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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

16° VICTORIÆ, 1853.

VOL. CXXVI.

COMPRISING THE PERIOD FROM

THE NINETEENTH DAY OF APRIL

TO

THE NINTH DAY OF MAY, 1853.

Fourth Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;
J. RIDGWAY; CALKIN AND BUDD; J. BIGG AND SON; J. BAIN; ALLEN AND CO.;
J. M. RICHARDSON; P. RICHARDSON; AND R. BALDWIN.

1853.

LONDON:
WOODFALL AND KINDER, PRINTERS,
ANGEL COURT, SKINNER STREET.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

FIRST SESSION OF THE *SIXTEENTH PARLIAMENT* OF
THE UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 4 NOVEMBER, 1852, IN THE SIXTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, April 19, 1853.

MINUTES.] PUBLIC BILLS.—1^a Charitable Trusts. 2^a New Forest Deer Removal Act Amendment.

THE IRISH MAGISTRACY—CASE OF MR. KIRWAN, S.M.

THE EARL of EGLINTON said, he felt he owed an apology to their Lordships for bringing under their consideration a case which was somewhat personal to himself; but as the facts were at present very imperfectly known to the public, he thought it expedient that it should be better known in all its details. In bringing forward the case of Mr. Kirwan, he need scarcely say that he was actuated by no feeling of hostility towards the noble Earl who had succeeded him in the Government of Ireland (the Earl of St. Germans), with whom he had always been on terms of friendship, and certainly with no feeling of ill-will or rancour towards the gentleman whose conduct was the subject of the inquiry. He brought the case forward partly for the purpose of truth, to show that his (the Earl of Eglinton's) own conduct in this transaction had been right and proper, but still more for the purpose of preventing such inexpedient acts of the Government being again renewed. The case was one arising out of the late general election, in which, he need not remind their Lordships, and in Ireland especially, there were a great many cases of riot and turbulence, even more, perhaps, than usually occurred on such occasions. The circumstances in which Mr. Kirwan was concerned, took place in connexion with the election for the county of Mayo, at a place called Ballina, where that gentleman was the magistrate deputed to keep the peace on the occasion in question. He (the Earl of Eglinton) should be compelled to read at some little length the case which was made out in the public papers; but as those papers contained the only evidence which he had of the part he had taken in those transactions, it was absolutely necessary that he should read some extracts from them. He had first had his attention called to the events at Ballina by a letter written by Mr. Kirwan to the Under Secretary at Dublin Castle, dated the 24th of July last. In that letter Mr. Kirwan said—

> "I have the honour to acquaint you, that about six o'clock on yesterday I escorted fifty-three freeholders to the quay, within about one mile and a half from the Court-house. As we were marching through the town we were pelted with stones, one of which struck a private of the 3rd Buffs; several hit the sub-inspector of police, and one the hat which I wore. The attack was instantaneous, and never anticipated. I read the Riot Act, and ordered the men to prime and load; and at the most imminent risk of my own life, in order to avoid the shedding of a drop of blood, I rushed among the mob, and remonstrated with them, and fully explained the fatal consequences that would ensue if they threw another stone. The Roman Catholic clergymen did everything in their power to preserve the peace; and I am truly happy to tell you that, without allowing the military to fire (except one shot, which I am informed went off by mere accident), I safely embarked the fifty-three voters on board a steamer which awaited them. The escort only consisted of sixty men, rank and file, two mounted police, and a sub-inspector (Mr. Fox), whose conduct I cannot command words to praise as he deserves. We all acted with the greatest possible coolness, forbearance, and humanity, or otherwise I should have this day to report to you, I am sure (if spared by Providence, and able to do so), the deaths of several inhabitants of Ballina. I have to add that Mr. Howley, D.L. and J.P., of Belleck Castle, was appointed by the sheriff one of my assistants; and a better magistrate I never had the honour of doing duty with. His views and mine perfectly coincided, and he has been continually acting since he received his deputation. The sub-inspector and I every night patrol the town, and in truth we have had but little rest since my arrival here. I trust that the town will be tranquil in a few days, after the Members will be declared; and you may rest assured I shall do everything in my power to preserve the peace. I refer you to my report of the 20th instant. The commanding officer, sub-inspector, and I perfectly agree in opinion as to the force not being sufficient to preserve the peace, &c. From the great excitement that prevailed, we were obliged to take a house for the military, and remove them from the places in which they were billeted. I should say that the mob consisted of at least two thousand persons, and although a magistrate for near nineteen years, and of very considerable experience, I never had a more arduous duty to perform than on yesterday."

The Under Secretary received another letter from Mr. Kirwan, dated the 29th of July, in which the latter said—

> "Previous to leaving Ballina I made further inquiries on oath, and find that one of the privates of the 3rd Buffs went out of the ranks four or five paces, without being ordered, took aim at a man contiguous to me, and fired. The ball hit the ground or wall, but very luckily no person was hurt. Several of the party of military under my command appeared to be undisciplined recruits. While patrolling the town with the constabulary at night, a pane of glass was broken at Moran's house, and a shot was immediately fired out of the window, and hit two children. Mr. Howley, D.L. and J.P., the sub-inspector, and I, accompanied the constabulary, and it is wonderful that we escaped injury. A better officer or party of police I never commanded. I am sorry I cannot say this much of the military, whom I had enough to do to prevent firing upon the mob, amounting, it is now generally supposed, to at least three thousand persons. Some of the stones were thrown over the houses from lanes and yards, and if the military had fired (contrary to my orders) while I was, at the imminent risk of my own life, dispersing the infuriated assemblage, not only would I be shot, but all the military and freeholders whom I was protecting would be surrounded, and their lives immediately afterwards sacrificed; but several of the inhabitants would suffer also. 'Prudence is the best part of valour.' With so small a force (not even one dragoon), I say, without fear of contradiction, no magistrate ever yet performed so arduous a duty withou tallowing one life to be taken, or one person to be seriously injured."

After reading these two letters, he (the Earl of Eglinton) supposed that something heroic had been performed by Mr. Kirwan of Ballina, and he knew he had the power of bestowing on Mr. Kirwan the honour of knighthood, or of making him a privy councillor, and after reading those letters the honour would not have been entirely thrown away. The face of matters, however soon changed. There were rumours spread abroad that the election at Ballina had not been so well managed as had been represented, and there were some singular complimentary letters published which had passed between the Roman Catholic priests and Mr. Kirwan, and the inhabitants complained. He (the Earl of Eglinton), therefore, intimated to the Under Secretary that he should write to Mr. Kirwan, requiring some explanation of the reports which were in circulation, and asking him whether a letter which had appeared in the papers, dated the 24th July, and addressed to the Roman Catholic clergyman of Ballina and its vicinity, was correct. That letter, written by Mr. Kirwan to the Roman Catholic clergymen in question, was in these words:—

> "Ballina, Six o'clock, p. m., Saturday,
> July 24, 1852.
>
> "Reverend Gentlemen—I take the earliest opportunity of returning you my most sincere heartfelt thanks for the able assistance you have given my most sincere friend, Mr. Howley, of Beleek Castle, D.L., J.P., and me, in preserving the peace here since my arrival. I am at a loss for words to enable me sufficiently to eulogise the humanity and bravery which you displayed when that most efficient and kindhearted officer, Mr. Fox, sub-inspector of constabulary, some of the military, and myself, were struck with stones by an excited multitude of persons, while I was escorting through

> the town to the quay fifty-four gentlemen, who voted (I am informed) for Colonel M'Alpine, and when I was under the painful necessity of reading the Riot Act, and giving orders to prime and load but not to fire; and were it not that you rushed with me among the people, and commanded them to disperse peaceably, at this most critical period the most deplorable consequences would doubtless have ensued. But, blessed be the Almighty God! I shall return to my station at Boyle in a few days, without allowing any serious injury to be done to either person or property; and I trust that I have impartially discharged my duties to Her most gracious Majesty the Queen and the public, to whose judgment I most respectfully submit, although my conduct has been censured by a few 'individuals.' However, '*Vox populi vox Dei*.'"

Mr. Kirwan returned an answer, dated "Boyle, 2nd August, 1852," to the Under Secretary, in which he admitted that the letter bearing his signature and published in the newspaper was authentic—but there was a considerable change in the tone of his language. He added—

> "If I have erred in writing the letter of thanks, I am truly sorry for it. ('Every man is liable to err.') In consequence of being grossly calumniated, I used the Latin quotation, intending to convey that I did not fear the result of my conduct being publicly inquired into, nor do I: but if the phrase does not convey my meaning, I can truly assure you I did not read a Latin book these twenty-one years."

Mr. Kirwan then concluded as follows:—

> "I am very much fretted lest my letter (as published) has displessed his Excellency; but when he will know how I acted on the most trying emergency any stipendiary magistrate in Ireland (I believe) was placed, I most earnestly hope and pray to have his approbation of all my conduct; and to his Excellency's humane judgment I now submit with confidence, and in his mercy, if I have unintentionally erred, in any manner whatever."

The next document was a memorial from a considerable number of the inhabitants of Ballina, complaining of the conduct of Mr. Kirwan and the Roman Catholic priests, and stating the grounds on which they objected to his conduct. First, they stated—

> "That the neighbourhood in and about the town of Ballina has been kept in a state of great political excitement for the last fortnight, in consequence of the elections which were about taking place in the county of Mayo, and also in the county of Sligo, from whence Ballina is separated by the river Moy. That the nomination for said two counties took place on the same day in Castlebar and Sligo respectively, and that for some days previously thereto, and also during the holding of said elections, the grossest intimidation and acts of violence were systematically put in practice against all the voters of Colonel M'Alpine, who was the Conservative candidate in the county of Mayo, and in a few instances against Roman Catholic voters who had either determined to remain neutral, or to exercise their franchise in favour of the Conservative candidate. That large mobs of boys, men, and women, continued to parade through the streets of Ballina and Ardnaree, who insulted the inhabitants by groaning and calling them the most opprobrious names, and that such mobs appeared to act in concert, and to be excited to the highest degree by reason of the posting of inflammatory placards through the said towns of Ballina and Ardnaree, in which Colonel M'Alpine, the Conservative candidate, and his supporters were by implication identified with and held responsible for the riots which took place at Stockport. That such placards were publicly distributed from the carriage of a magistrate of this neighbourhood, on his return from the nomination of candidates at Castlebar, on Tuesday the 20th instant, by three or four Roman Catholic clergymen, who accompanied said magistrate through the streets of Ballina, while distributing said placards. That shortly after the arrival of the said J. A. Kirwan, one of the local magistrates, William Mally, Esq., having been informed that the mob of the town were becoming very riotous, and were using threats and violence towards some of the inhabitants, at once applied to the said J. A. Kirwan to accompany him into the town, in order, by the timely arrest and punishment of the ringleaders, to suppress the mob; that the said J. A. Kirwan positively refused to assist the said William Mally in calling out the police, or in dispersing said mob, but, on the contrary, went into the house of the sub-inspector of police, which is situated in the outskirts of the town, where he continued for the remainder of the day and evening, instead of being in that part of the town, and situate near the police barrack, where he could more promptly render assistance in case such became necessary. That the house of a medical gentleman, who is a respectable voter in the town, having been attacked on the evening of the 20th inst., and the windows broken, such voter at once applied to the said J. A. Kirwan for assistance and protection, but was refused on the ground that there was not sufficient police force then available in the town. That the said J. A. Kirwan during these proceedings remained in the house of the said sub-inspector, and expressed little or no concern at the state of the town, but, on the contrary, made light of the occurrences. That by such impunity the mob considerably increased in numbers and violence, so as to render it dangerous for any Protestant to appear in the streets of Ballina without the serious risk of being stoned or otherwise maltreated, and that in consequence many, at great personal inconvenience, were unable to stir abroad. That on the night of Thursday, the 22nd instant, the house of a Roman Catholic shopkeeper and voter in the town, named Daniel Moran, who declined to take any part in the election for the county of Mayo, was attacked by the mob, the windows broken, and the inmates threatened with such violence that in self-defence they fired upon their assailants, three of whom were wounded, and that in consequence it was necessary to place a body of police in charge of said house, so as to prevent any renewal of the attack. That said Moran had been exposed for several days before this to the grossest outrage and intimidation, by reason of men being placed at the door of the shop, in order to prevent any person dealing or in any manner holding com-

> munication with him. That on said last-mentioned day the crowd of disorderly persons so increased, and their conduct became so violent, in consequence of the impunity with which they had been treated, that at a meeting of the Protestant inhabitants of the town they determined to arm themselves for general protection, but, previously to doing so, addressed a respectful but earnest letter of remonstrance to the said J. A. Kirwan, urging him to take up a better position in the town than where he was then located, and to adopt more decisive measures for their protection, to which communication J. A. Kirwan made no reply. That shortly after said letter of remonstrance was presented to the said J. A. Kirwan, one of the mob was arrested for riotous and disorderly conduct, and a party of the police force, consisting of five men, were directed to bring him a prisoner to Bridewell, and while proceeding thereto an attempt was made to rescue said prisoner, and the police force who had him in charge were severely beaten and pelted with stones, notwithstanding which they acted with such intrepidity that they not only retained their prisoner, but arrested two of the persons who attempted the rescue. That the said J. A. Kirwan, who was then in the police barrack, was made aware of the attack on the police, and entreated to call out an extra number, as well as the military, in order to suppress the violence of the mob, which at that time exceeded all previous bounds. That the said J. A. Kirwan, assisted by Edward Howley, Esq., a local magistrate of this vicinity, who was deputed to act during the said election, did accordingly call out an additional force of police and the military, by which means the mob were prevented from continuing their attack on the police, or rescuing the said prisoners; but the said Edward Howley and the said J. A. Kirwan, after having had a conference with three Roman Catholic clergymen, at once liberated said three prisoners, within a few minutes after their arrest in the public streets of Ballina, in the presence of the military and police, some of whom stated that such a proceeding was in itself sufficient to make them lay down their arms. That the military force consisted of about fifty men and two officers, and the police of about thirty-five men and one officer; and application in writing having been made by a professional gentleman for an escort to bring the voters in the interest of the Conservative candidate to the polling booth from the districts of Killala and Crossmolina (six miles distant), said application was refused, on the ground that the said J. A. Kirwan had not sufficient force at his command. That a special steamer was accordingly employed at night, which conveyed forty-two voters from Killala to Ballina, in order to vote for the Conservative candidate. That after voting, an escort became necessary, in order to return said voters in safety to said steamer, and the said J. A. Kirwan consented to escort them, accompanied by a large body of military, police, and one or two other local magistrates. That immediately after proceeding from the court-house the said escort and voters were attacked by a ferocious mob, with stones and other missiles, and were it not for the courage displayed by the military and police, the said voters would have been murdered or most seriously injured. That a prisoner was at once taken, for being prominently concerned in said attack, but was liberated immediately by said Edward Howley and J. A. Kirwan; and the result of which was, that in a few minutes afterwards the said escort and voters were again violently attacked by the mob while passing through the streets of Ballina, some of whom were severely wounded; and at length the said J. A. Kirwan, after his being repeatedly urged, read the Riot Act. That shortly afterwards a soldier, who had been wounded, fired on the assailants, and dispersed them, by which means the voters were eventually placed on board the steamer. That the said J. A. Kirwan, during his residence in the town, was in the habit of associating and spending his evenings with Roman Catholic clergymen and others of the most prominent partisans of the Liberal candidates, thereby giving the rabble good reason to suppose that he was not disposed to act with perfect impartiality, and that their misconduct would be overlooked, or dealt with in a more lenient manner than the circumstances of the case would warrant. That the supremacy of the law was ignominiously compromised in the early part of the proceedings by the said J. A. Kirwan, who at one period, instead of upholding the dignity of his commission, by making use of the force under his charge for the purpose of repelling mob violence, called on the people in the name of O'Connell to desist."

Then there was a letter dated the 4th of August, 1852, from Captain Floyd, of the 3rd Regiment, in which he expressed an opinion very unfavourable to Mr. Kirwan. Captain Floyd said—

> "I now regret extremely that I feel it my duty to pass some remarks upon the conduct of Mr. Kirwan, the magistrate in charge during the late elections. First of all I must report, that on Thursday, the 22nd July, I was ordered out in aid of the civil power. Before I had time to reach the spot where the riot had taken place, the police, under Sub-Inspector Fox, had quelled the disturbance, and had taken three prisoners. These prisoners were liberated, in the face of the military and a crowd of about 300 people, by Mr. Kirwan—an act which had a very bad effect. The next day, Friday, we took a man up for throwing stones. This man was likewise released by Mr. Kirwan, and that in the presence of about 5,000 people. I have no doubt that the affray which took place on the 23rd July would never have taken place had the above-mentioned magistrate acted firmly. It was with the greatest difficulty that I and others prevailed upon him to read the Riot Act; and when he did, he read but a part of it. I could bring other circumstances concerning the conduct of Mr. Kirwan to the notice of the Commander-in-Chief, but I consider it unnecessary, as I hear the inhabitants of Ballina have reported him to the Lord Lieutenant."

Eventually he (the Earl of Eglinton) selected Mr. Martley, a Queen's Counsel, and a man of moderate opinions, to institute an inquiry into the whole circumstances of this case, and he would now read to their Lordships a few extracts from that gentleman's report. Mr. Martley said—

> "In the evening of Tuesday, the 21st of July, Mr. Howley [Mr. Howley was a partisan of the Liberal candidates] returned from Castlebar, and drove in his carriage through the town of Ballina, accompanied by the same persons, or nearly so,

who had gone with him in the morning, and followed by a considerable crowd of persons, shouting and cheering. Mr. Howley sat on the driving seat; the clergymen were within the carriage, which was a close one. As the carriage proceeded through the town, placards, printed in large letters, were dropped and distributed in the street by the persons in the carriage. One of them was produced, and accompanies this report. It is in the following terms:—'Catholic electors of Mayo, remember Stockport! The poor Irish Catholics were butchered by the Orangemen! The houses of the poor Irish Catholics were levelled by the Orangemen! The chapels of the poor Irish Catholics were burned by the Orangemen! The priests of the poor Irish Catholics were hunted by the Orangemen! Catholic electors of Mayo, M'Alpine is an Orangeman! and went specially up to Dublin to get in Vance and Grogan, the Orange candidates. Hurrah for Moore and Higgins!' Similar placards were posted at different places through the town . . . . . . The populace, which had been much excited during part of the day, became very riotous during the evening. . . . . . On Tuesday evening the mob appears for the first time to have proceeded to acts of actual violence, by breaking the windows of the houses of several respectable persons who were obnoxious to them. . . . . . . Mr. Kirwan consulted with Mr. Cruice, a brother resident magistrate, who happened to be at Ballina (but not on duty) as to the prudence of going out in presence of the mob with such a force as he had at his disposal, and Mr. Cruice concurred in the opinion that such a measure would not be safe. . . . . I regret to be obliged to state my opinion that the conduct of Mr. Kirwan in this part of the transaction was deficient both in energy and judgment; that the state of the force at his disposal at half-past eight o'clock on Tuesday evening, when the outrages were first reported to him, did not warrant his inaction, and the order to the head constable to keep his men within their barracks; and that if at this early stage of the proceedings there had been a due demonstration of vigilance and vigour, the turbulent spirit of the populace might have been checked, and the outrages which subsequently took place might have been, at least to some extent, prevented. . . . . . . On Wednesday, the 21st, the populace again assembled in formidable numbers, and in a very turbulent manner, hooting, hissing, and insulting, and threatening respectable persons. No measures were taken by Mr. Kirwan to repress this lawless conduct. The order to the police to remain within their barracks still continued. . . . . . . Soon after this the Rev. Mr. Armstrong, a Presbyterian minister, reported to Mr. Kirwan and Sub-Inspector Fox that he had been grossly insulted and threatened by the mob, and called on them to take measures to remedy this state of things. He strongly represented the unruly conduct of the populace, by which peaceable persons were prevented from going about their ordinary business through the town, and he very sensibly observed, that the main point of assembly for the mob was the Market-cross, and that a small force posted there would be sufficient to repress the disturbance. He was told there was no sufficient force for the purpose; that the military who had arrived that afternoon were so fatigued that it would be unreasonable to call them out; and Mr. Kirwan added, that he had never in his life seen so quiet a mob at an election. The evidence of Mr. Armstrong appears to me to be particularly deserving of attention, as well from his position and character as from the dispassionate tone in which his testimony was delivered."

At a later period on Wednesday evening there was a considerable disturbance. Mr. Martley proceeded to say:—

"About eleven o'clock on Thursday morning, Mr. Howley, a local magistrate (one of those to whom the sheriff gave his deputation, and who is admitted to have been very active during the whole time in his endeavours to preserve the peace), arrested one of the rioters, and a head constable and five men were sent from the barrack to take the prisoner to the Bridewell. They were marching up Knox's-street, towards the Market-cross, when they were violently assailed by the mob, who endeavoured to rescue the prisoner. The party reached the Market-cross, where they were joined by the five men then on guard at Moran's house; and though attacked and struck with stones and other missiles, they succeeded, not only in retaining the prisoner, but in arresting two of the assailants. The alarm having been given, the rest of the constabulary force came to the assistance of their comrades; and the party of the military also came up, with Mr. Kirwan at their head. Mr. Howley was present, and there were also several Roman Catholic priests among the crowd, exerting themselves to suppress the riot, and entreating the people to disperse. Mr. Kirwan, on coming up, told the mob that if they did not disperse he would read the Riot Act, and compel them to do so; and finding the prisoners in custody of the police, he at once most properly declared his determination that these persons should not be released from custody till after the election. This prudent resolution, however, he afterwards unfortunately abandoned; and a transaction occurred which appears to me to be in the highest degree reprehensible. Some conversation took place between Mr. Kirwan, Mr. Howley, and some of the priests. Some person said to the mob, 'Go home, and we will get the prisoners liberated;' and thereupon, although there was then a force under arms amply sufficient to have vindicated the authority of the law, and although Mr. Kirwan had shown that he was sensible of the importance of making an example of persons taken in the very act of perpetrating a violent outrage, the prisoners were, by Mr. Howley's order, publicly discharged, with a simple caution as to their future conduct."

Mr. Martley summed up the conclusions at which he had arrived in these terms:—

"First, as to the charge that the house of the sub-inspector, at which Mr. Kirwan took up his residence, was inconveniently situated, and so as to prevent Mr. Kirwan from promptly giving his personal attendance and assistance when they might have been required, I am of opinion that there is no foundation for this charge, and that it was right and proper for Mr. Kirwan to accept the invitation of the constabulary officer. With respect to the refusal of Mr. Kirwan to detach any part of the force under his orders for the purpose of escorting voters from distant places, I am of opinion that he was justified in such refusal, and could not have safely complied with the requisition. With reference to the liberation of a prisoner captured by a soldier during the attack on the escort of the Killala voters, I do not think that this charge has been established. . . . . It is stated in the memorial that 'Mr. Kirwan during his residence in the town was in the habit of associating and spending his evenings with Roman Catholic clergymen and others of the most prominent partisans of the Liberal candidates, thereby giving the rabble reason to suppose that he was not disposed to act with strict impartiality,' &c. In my opinion this charge is not sustained by the evidence, so far as evidence was offered on the subject. . . . . It is further stated in the memorial, 'that the supremacy of the law was in the early part of the proceedings ignominiously compromised by Mr. Kirwan, who at one period, instead of upholding the dignity of his commission by making use of the force under his charge for the purpose of repelling mob violence, called on the people in the name of O'Connell to desist.' The evidence on this allegation is that of Mr. Urquhart, a gentleman whose credit appears to be above all impeachment. . . . . On the whole, and considering that the expression is not one very likely to have been used, I think it possible that Mr. Urquhart may have been mistaken; and I do not consider this charge so satisfactorily proved that it would be safe to rest upon it any judgment unfavourable to Mr. Kirwan."

Mr. Martley added—

"I wish I could come to the same conclusion with respect to the other charges. The substance of these charges is this:—that Mr. Kirwan, being specially deputed to preserve the public peace, and finding the town in a state of some excitement, remained for some time wholly inactive, taking no measures to preserve the peace, and making light of the indications of disturbance; that the turbulence of the mob progressively increased as they were encouraged by impunity; that this formidable spirit of insubordination was further fostered by the ill-judged measure of publicly liberating prisoners arrested in the perpetration of a most formidable outrage; and, finally, that this want of energy and promptitude still continued on the first day of the polling, when the previous conduct of the mob towards gentlemen who were guilty merely of exercising their elective franchise had so nearly led to fatal consequences. I regret to say that for these charges there seems to me to be much foundation."

The Report proceeded—

"The duty which Mr. Kirwan was sent to discharge was an arduous one, and required firmness and determination, as well as discretion and forbearance; and I cannot say that he proved himself equal to the occasion. From the outset there appears to have been supineness and want of energy. No sufficient arrangements were made to repress the first attempts at outrage, nor was due attention paid to representations and remonstrances on the subject, which indeed should not have been necessary to a person placed in Mr. Kirwan's position. Mr. Kirwan's justification of his conduct in remaining so long inactive rests principally upon the inadequacy of the force at his disposal, and in the first instance the number of police was small, and would have been insufficient to repress such tumults as occurred on Thursday and Friday; but in the early stages of the excitement it would have been much more easily dealt with. Even on Wednesday, when the head constable, without Mr. Kirwan's order, marched out a portion only of the force in barracks, the mob immediately gave way. It appears to me, therefore, that the state of the force under Mr. Kirwan's command did not at any time justify his determination not to act, and that a timely display of firmness in the first instance would probably have repressed and prevented the riotous assemblage of people which afterwards became so formidable. As to the liberation of the prisoners on Thursday, both the act itself, and the manner in which it was effected, were ill-advised and fraught with mischievous tendencies, encouraging the lawless and turbulent by the prospect of impunity, leading the peaceable and orderly to apprehend that they were not to expect protection from the constituted authorities, and that it was necessary to arm themselves in their own defence, and thereby greatly increasing the danger of hostile collision between the different classes. On Friday, the 24th, there seems to have been a want of judgment in the arrangements. There was no attempt made to prevent the masses of people from congregating, and occupying the positions in which they could act most effectually, although there can be no doubt that at that time the force of police and military was amply sufficient for preserving the internal quiet of the town. It appears to have been very imprudent to allow the military escorting the voters to be pressed upon and almost surrounded, and no less so to have so long delayed reading the Riot Act, by which the audacity of the mob was further increased; and that the events of the day did not result in bloodshed and loss of life is attributable, under Providence, to the steadiness and forbearance of the military, under circumstances of great provocation, and to the gallant conduct of two mounted policemen, under the orders of their sub-inspector. It was not until Captain Floyd had threatened to act on his own responsibility that Mr. Kirwan consented to place the military in a position to protect their own lives and those of the persons whom they were escorting."

Mr. Martley went on to say—

"The evidence appears to me to establish that the Roman Catholic clergy, if they did not create the popular excitement, encouraged it up to the point when the hostile collision between the people and the authorities seemed to be immediately impending; and then, on the two occasions detailed in the evidence, they exerted themselves energetically to prevent fatal consequences. On the last occasion their pacific interference was withheld until it had nearly come too late to prevent the loss of human life."

Having read so much against Mr. Kirwan, he would next read what had been said in his favour. Mr. Martley said—

"The memorialists attribute the conduct of Mr. Kirwan, on which I have been obliged to observe, to partiality. I do not think that the evidence I have received establishes this imputation."

He added—

"When Mr. Kirwan did act, he seems to have done so to the best of his judgment, and with a sincere desire to preserve the public peace. On the occasion of escorting the Killala voters, who were of the party to which he is supposed to have been unfavourable, he did not spare himself, but was as much exposed to danger as the objects of the popular fury."

Now let their Lordships consider the case as established against Mr. Kirwan. It had been proved that Mr. Kirwan remained inactive (he quoted the words of Mr. Martley) when the riot was formidable, and said he had never seen so quiet an election, and consequently refused to call out the police, whereas he wrote to him (the Earl of Eglinton) a letter stating that he was a magistrate for nineteen years, and never had a more arduous duty to perform. It was not denied that he wrote complimentary letters to the priests, who on their part had circulated inflammatory placards and excited popular discontent. It was stated also by Mr. Martley that the conduct of Mr. Kirwan was deficient both in energy and action, and was not equal to the occasion; that the liberation of the prisoners was ill-advised and was attended with danger, and that he did not read the Riot Act until Captain Floyd threatened to act upon his own responsibility. Then came the question, How was he to deal with a magistrate who had acted in this manner? No one would contend that he ought to have been allowed to escape without some marks of displeasure on the part of the Executive Government. He (the Earl of Eglinton) had three lines open to him. He presumed there were none of their Lordships, after what he had read, who would imagine that he could have given him a reward, as he had before stated. He was sure that none of their Lordships could think that he should let him off without some mark of his disapprobation. It was open to him to censure him, to dismiss him, or to suspend him from the exercise of his functions for a given period. As to adopting the line of censuring him, he did not entertain it for a moment; for he must admit, though with some degree of pain, to their Lordships, that the stipendiary magistrates in Ireland were not all adequate to the very difficult services they had to perform. He was convinced that if two-thirds of the seventy-one stipendiary magistrates in Ireland were efficient men, they would be fully adequate to discharge all the business which was now thrown on the whole body; but at the same time he must say there were some stipendiary magistrates in Ireland who were as fit to do their duty in any difficulty in which they might be involved as any other persons in Her Majesty's dominions. He resolved, as he before said, not to censure Mr. Kirwan. Had he done so, Mr. Kirwan would have put the censure in his pocket. It might have affected his feelings, but would not have operated as a warning to deter his brother magistrates from similar misconduct on future occasions, and it would have afforded no satisfaction to the inhabitants of Ballina, who in his (the Earl of Eglinton's) opinion were justly indignant at Mr. Kirwan's conduct. He hesitated, he must confess, between dismissal and suspension; but when he saw the opinion of Mr. Martley, acquitting him of partiality, and when he looked to the good character that Mr. Kirwan had always borne, he limited himself to what he then and still considered a most lenient sentence under the circumstances, namely, suspension from his functions, and from the receipt of his salary, for six months. Having inflicted what he considered to be a lenient punishment on Mr. Kirwan, he was certainly more than surprised when he found that the first public executive act of his successor, in conjunction with a proposal to reinstate in the magistracy a noble Earl (the Earl of Roden)—which proposal the high feelings of that noble Lord prevented him from agreeing to—was to do away with at once, and put an end to at once, this very lenient punishment which he had awarded against Mr. Kirwan. He believed it was on the second day after the arrival of Lord St. Germans in Ireland that the Under Secretary was ordered to write to Mr. Kirwan, stating that he was at liberty to exercise his functions again. There was no country in the world that stood so much in need of firmness and impartiality as Ireland. There was no people in the world on whom it was so necessary to impress the idea that they are governed equitably as the Irish. While the Government of Ireland was subject to such constant changes, he could not but think it was most inexpedient that the public acts of any Viceroy should be overruled by his successor except on the strongest grounds, or on some great change of the political system. He could not help thinking that this act was one uncalled for, and was an improper exercise of a new-born authority. He protested against it, because he considered the meaning which was to be gathered from this act of his successor, would tend to lower the character of the viceroyalty, and because it appeared to him to be a return to a system of governing Ireland through means of the priests—a system which had been often tried in Ireland, but which had invariably failed, and he regretted to see some indication of a return to it in the first acts of the new Government. Ireland had been too long the battle-field of English party strife. Her best interests had been too often bargained away for party votes, and he could not help saying that the only way in which they could hope to bring Ireland to the state of prosperity which he was sure all their Lordships wished that country to possess, would be by carrying out in action the words of good import which the noble Earl at the head of the Government had made use of in that House, but which in a few days afterwards were falsified, not on the part of the noble Earl, but on the part of one of his subordinates, avowedly on his own responsibility, and on which occasion a line of conduct was taken that could not but appear to be the beginning of a return to that pernicious system which every noble Lord connected with Ireland must join with him in wishing to see put an end to. He must apologise to their Lordships for detaining them so long, and begged to move for the papers referred to in his notice, and which he need hardly say were not in existence; but he had given notice of moving for them to enable him to make the statement which he had submitted to their Lordships.

Moved—

"That an humble Address be presented to Her Majesty, for Copies of the Representations made to the Earl of St. Germans which induced him to reinstate Mr. Kirwan."

The Earl of ABERDEEN said, he supposed that it was because the question was an Irish one that the noble Earl had adopted the somewhat Hibernian course of moving for the production of something not in existence. As regarded the question before the House, however, he was not surprised that the noble Earl should feel warmly on a subject, in which he conceived, however erroneously, that an amputation had been cast on his authority while he was exercising the office of Lord Lieutenant of Ireland. It appeared to him, however, that the noble Earl attached too much importance to the act to which he referred; and he could assure the noble Earl that by the act in question the present Lord Lieutenant had not the remotest intention of applying the slightest censure to the decision which his predecessor had come to in the case of Mr. Kirwan. The act of which the noble Earl complained was of course carried into effect on the arrival of the new Lord Lieutenant in Dublin; but, in truth, it was resolved on long before the departure of that noble Lord from this country. The proposition had been submitted to him (the Earl of Aberdeen) long before his noble Friend left London, and he agreed to it without the slightest reference to any proceeding on the part of the noble Earl. The noble Earl had explained the reasons which induced him to inflict upon this gentleman a suspension from his office for six months. Now, as a matter of opinion, he (the Earl of Aberdeen) must confess his own opinion was against that proceeding which the noble Earl had adopted. That was the first time he had ever any knowledge of this subject, and therefore his remarks did not apply particularly to this case; but in general he could understand dismissing a magistrate or censuring a magistrate; but he could not think it a wholesome exercise of authority to suspend a magistrate for six months. In the present case, he could not see what benefit the suspension for six months could do this gentleman, except to afford him an opportunity of renewing his studies in Latin. The suspended magistrate would return to the exercise of his functions exactly the same man as he was before. He would be neither better nor worse for that suspension, and he confessed, therefore, that it appeared to him that suspension was an injudicious mode of inflicting punishment. He thought there might be very good reasons for inflicting a severe censure, and there might have easily been found means to prevent Mr. Kirwan from putting this censure in his pocket. It would have been made known to the people of Ballina that he was severely censured, and he thought, on the whole, that that would have been the proper mode of punishment for the noble Earl to adopt. The noble Earl did not think it proper to dismiss Mr. Kirwan altogether, in which opinion he (the Earl of Aberdeen) agreed. After the impartial and fair statement of Mr. Martley, it would have been difficult for him to do so; because whatever errors of judgment Mr. Kirwan might have displayed, he was fully acquitted of all the important charges that had been made against him. He would again assure the noble Earl that it was not in the least degree the intention of his noble Friend the Lord

Lieutenant of Ireland to find fault with his conduct; but his noble Friend thought that this six months' suspension was an unusual punishment to inflict upon a magistrate, and he could not see there was any objection to remitting two months of that period. He thought a Lord Lieutenant might be at liberty to exercise his discretion in releasing a magistrate from that punishment which was inflicted upon him for the space of six months, and to remit two months of that period, without being supposed to cast an imputation on the conduct of his predecessor. He could assure the noble Earl that in this instance it was the most untrue suspicion that could possibly be entertained of the conduct of Lord St. Germans. As he (the Earl of Aberdeen) had already said, this was not the first act of Lord St. Germans on entering on the duties of the Lord Lieutenancy; but though it had been determined on three weeks before he went to Ireland, he could of course only promulgate the order on his arrival in Ireland. He did not exactly understand what was the particular object of the noble Earl on this occasion, unless he thought it was intended to cast some censure or imputation on the course he had pursued; and he could confidently assure him that there was not the most remote intention of doing so. He (the Earl of Aberdeen) expressed only his own opinion when he said, he thought the suspension of Mr. Kirwan an injudicious mode of punishing him for magisterial misconduct, because it would lower him in the eyes of the people, without improving his capacity. It was his humble opinion that, in such a case, the preferable course was to dismiss a magistrate if he deserved dismissal, and to censure him if he merited only censure.

The Earl of GLENGALL thought the remission of the sentence upon Mr. Kirwan could be viewed in no other light than as a slur upon the act of the noble Earl the late Lord Lieutenant; and in that light he was sure the people of Ireland would view it; but as the noble Earl opposite had disclaimed any such intention, he must suppose the case to be as he represented it. The act bore all the marks of precipitation. It appeared from the statement of the noble Earl that that act of Lord St. Germans could not have been properly considered. It was done, it appeared, in this country, and before Lord St. Germans had gone to Ireland, and had an opportunity of seeing the authorities in that country, and talking over the matter with the Attorney General, who was in Ireland. It was true he had gone over to Ireland previously for a couple of days, but he had not time during his stay there on that occasion to consider exactly the facts of this case. It was a bad example to present to the country that one Lord Lieutenant should censure the conduct of another. Hitherto, whatever differences of opinion might exist between parties, it was not customary that the acts of a previous Lord Lieutenant should be superseded by his successor on his arrival. Amongst some persons in Ireland it was a unanimous opinion that this was a concession to certain priests, and to certain members of the "brigade." That opinion might be right or might be wrong, but still it was an opinion that was entertained. The last election in Ireland was certainly distinguished by more outrage, turbulence, violence, and bloodshed than had been witnessed upon any other occasion. It should be remembered that at the last election intimidation and violence were carried to a great extent, and a considerable number of persons were returned, in consequence of those acts, to the other House of Parliament. That was notorious. The priests had returned the Members for Mayo, and Mr. Kirwan was reinstated through the interposition of the priests' party, who would not be satisfied unless they had a complete triumph, and that triumph was the reinstatement of this gentleman. There was another very strong reason why it was of great importance to this party to have this gentlemen so reinstated. He begged to give some explanation with respect to the employment of those stipendiary magistrates at elections, and as to the position of the magistrates of Ireland generally, as regarded their interference at elections. It was necessary at the elections in certain places to employ the stipendiary magistrates, because the magistrates of the county were placed in a very unfortunate position. If one of those gentlemen were called upon to act in any town in the county during the election, for the purpose of repressing tumults, and if any injury were done to the mobs, he was hooted and insulted as a partisan; and in case of any accident or loss of life from calling out the military and police, he was looked upon as a monster, and women and children for the rest of his life called after him "Haynau!" That was exactly what had occurred in some places. Therefore it became essentially necessary to get the stipendiary magistrates in those counties to keep the peace, and, having the military and police at their disposal, that they should act for that purpose, because, if they declined to do their duty, it was quite clear that the priests' mobs must carry the elections. The great object the priests' party had in getting Mr. Kirwan reinstated was to give a hint to all the stipendiary magistrates engaged at these elections that they need not do their duty, and that they might safely neglect to do their duty. It was also a hint to the mob that the magistrates need not do their duty, and that, therefore, they were at liberty to act as they might think fit. It was clear that the priests had, in consequence of this violence, returned many Members, and they consequently considered that they had power to control any Government. They exercised a power over the Members which they had returned by the means he had stated; they conceived that the persons they had returned to Parliament were bound to obey them, and that they could exercise considerable influence and power in compelling the Government to do the same. In support of that statement, he could mention to their Lordships a circumstance that had occurred within the last three days, with respect to the power which the priests thought they possessed in those matters. The case to which he was about to refer had occurred at Nenagh, in the country of Tipperary, where sixty priests met, and resolved that—

> "We, the undersigned priests, who have been instrumental in procuring the triumphal return of Mr. Scully and Mr. Sadleir at the last election for the county of Tipperary, feel it to be an imperative duty which we owe to ourselves, as consistent patriots and guides of the people, to call upon our representatives, and respectfully to tell them that their Parliamentary conduct, compared with their pledges at the hustings, has left a painful feeling on the minds of their constituents, which it is their duty to remove."

The constituents were the priests themselves, according to Mr. Lucas's opinion.

> "Resolved—That it is incumbent upon us respectfully to request them to explain how their adhesion to such a Government, their desertion of the honourable benches of the Opposition, and their sitting on the Ministerial side of the House, is consistent with their pledges at the hustings, and the principles they bound themselves to maintain."

That was the kind of power which those gentlemen supposed they possessed, and which they would be encouraged in exercising by the remission of punishment that had taken place in the case of Mr. Kirwan. A circumstance had occurred within the last few days which also showed the effect that had been produced by the remission of the sentence in the case of Mr. Kirwan. There was certainly a great deal of tumult and a vast deal of outrage charged to have taken place at the last Limerick election, and certain parties tried for those tumults were sentenced to be imprisoned and fined. Mr. Justice Perrin was the Judge who tried the rioters, and sentenced them; and he need not remind their Lordships that he would be the last person to sentence any of the parties harshly or severely. But what was the consequence? A memorial was presented to the Government, praying for the remission of the sentence passed on those rioters, signed by a justice of the peace in Limerick, and other inhabitants of that city, and to that memorial an answer was returned, stating that his Excellency had been pleased to remit three months of the period of imprisonment to be borne by each of the prisoners, and also directed that one-half of the fines imposed upon some of the parties should be also remitted. Thus it appeared that parties who were convicted of violence and intimidation were relieved from a portion of the punishment to which they were subjected, by the remission of a part of their sentence. A great deal had been said about bribery at elections in England, and nothing could be more unconstitutional than to give bribes; but surely this intimidation in Ireland was equally unconstitutional. When parties were thus returned by means of the priests, their elections should be disallowed, and they should have something like free elections in Ireland, which could not exist unless occurrences of this kind were put an end to.

The EARL of DERBY: My Lords, I believe that the object which my noble Friend (the Earl of Eglinton) had in view, when he brought forward the present Motion, has been completely answered in obtaining from the noble Earl at the head of the Government a declaration that, in the course of that unusual proceeding of the present Lord Lieutenant to which he referred, there was no intention to cast any censure or reflection upon the conduct of my noble Friend while exercising the functions of Viceroy in Ireland. At the same time, I must express my opinion that an act directly reversing an act of my noble Friend, and the decision adopted by the present Lord Lieutenant during the first moments of his entering upon the government of Ireland, in case in which there may be strong grounds for supposing that he had been influenced by political considerations, bears upon the face of it an aspect of such a suspicious character as is likely to shake the confidence of the people of Ireland in the impartiality of the noble Viceroy's administration. I wish, moreover, especially to protest against the doctrine laid down by the noble Earl at the head of the Government, that there was no alternative to be taken by my noble Friend, in the case of Mr. Kirwan, but that of either censure or dismissal. The noble Earl founds that declaration upon an expression that the act of suspension was, in effect, a lowering of the character of a magistrate in the eyes of the public, and that upon the expiration of his period of suspension he would resume his functions neither better nor worse than he was before. Now, let us apply this doctrine to any other service or profession, and see how it can be carried out. Is there anything, I ask, more usual than upon the result of a court-martial to find an officer suspended for a limited period, and, at the expiration of such period, to find that officer returned to the service "neither better nor worse than he was before?" But still he had undergone the punishment that is deemed commensurate with his offence. But take a still higher profession. I am sorry I do not see on the present occasion any of the representatives of that profession in their places; but I suppose that they have been quite worn out by the assiduous attention which they manifested last night to the discussion that was then going on. I am, however, sorry not to see some of the right reverend Prelates in their places. But to return to what I was about to say. What is more usual than to suspend a clergyman for a period of six months, a year, for two or three years; and at the expiration of such period to permit him to return to the position which he had previously occupied in the Church? Now, according to the noble Earl's argument, he would "be neither better nor worse" for such punishment; but nevertheless he would be degraded in the eyes of his parishioners. Does the noble Earl propose to carry out his views in reference to the Army, the Navy, and the Church, by declaring that there is no intermediate punishment between a censure and a dismissal? Does the noble Earl mean to argue that a censure suffered by a magistrate would not have been calculated to lower him in the eyes of the public, or that the suspension of a clergyman or an officer does not tend to lower either of those persons in the estimation of the public equally as the same punishment inflicted upon a magistrate? When a censure is visited upon a party, that censure may be a punishment for the time, though not, perhaps, a punishment for the future; but the punishment of suspension in the present case was attended with the loss of salary for six months. If the noble Earl does not object to a censure, upon what principle does he object to the intermediate punishment of suspension? But I think that the loss of salary for six months is as likely to make an impression on the mind of a magistrate, and to lead to the exercise of more discretion in his future conduct, than any expression of dissatisfaction on the part of the Government, more especially if that expression of dissatisfaction is to be reversed by the Government that immediately succeeds to office. The noble Earl has let in some light on the subject, which induces me to ask a question with respect to the production, or rather the non-production, of certain papers. The noble Earl assumes that the first step taken by the Earl of St. Germans was to liberate Mr. Kirwan. He liberates this magistrate without the expression of disapprobation or approval of his acts, and without any mention of the grounds on which he is induced to remit the remainder of the sentence. Observe, my Lords, that only two months out of the six were wanting to complete the term of Mr. Kirwan's suspension; but on the day after the Lord Lieutenant lands, his Under Secretary is directed to acquaint Mr. Kirwan that it is his Excellency's pleasure that he should resume his duties as magistrate. What inference is to be drawn from this but that the Lord Lieutenant considered Mr. Kirwan had been harshly and unjustly dealt with, and that he was anxious, as early as possible, to remedy the wrong? If the Lord Lieutenant had stated the grounds on which he remitted the sentence, and in his letter had advised Mr. Kirwan to act with more discretion for the future, I could have understood the sudden decision of the Lord Lieutenant to reverse the decision of his predecessor, although I might regret the act. But this letter, leading to the inference, as it does, that the magistrate was not subject to any blame, seems to me to be a most unfortunate beginning of his duties, and I think he took a most unfortunate course in reversing this decision, succeeding as he did as Lord Lieutenant to the noble Earl, of whom, although he is a personal and political friend of mine, I must say that he has left behind him a character for fairness and impartiality in the administration of the law which few Lord Lieutenants have equalled, and none have ever surpassed. But the noble Earl (the Earl of Aberdeen) stated that the reinstatement of Mr. Kirwan had been decided upon by Lord St. Germans some time before he left London, and the inference is, that this determination was come to without any memorial having been presented to him. But if this decision was come to while the new Lord Lieutenant was in London, and while he had no opportunity of conferring with his predecessor upon the merits of the case, or with Lord Clarendon, on whose judgment I know Lord St. Germans placed much reliance, or with the Attorney General for Ireland—if the Lord Lieutenant decided without conferring with them, it is clear that he must have done so, not by some word-of-mouth representation, but upon some letter, memorial, or written representation from Dublin; and, therefore, when my noble Friend (the Earl of Eglinton) moves for the papers connected with the restoration of Mr. Kirwan to office, I ask the Government for what reason these documents — for documents there must have been, be they recommendations or memorials—do not appear in the papers laid before Parliament as the grounds on which the Lord Lieutenant acted? Representations there must have been, as Lord St. Germans was not in Dublin; and if that representation or memorial were before your Lordships, you would know on what grounds the noble Earl acted, and you would be able to judge whether the Lord Lieutenant, in exercising so suddenly the high functions of his office, acted upon reasons that would approve themselves to the judgment of your Lordships. Where the first act of the Lord Lieutenant was the reversal of the act of his predecessor, I think the grounds and motives for the proceeding should be shown. But be that as it may, I wish to know whether there is any memorial or representation on the subject; and if there is, why it was not laid on the table of the House when the papers were moved for?

The Duke of NEWCASTLE said, that he trusted that the noble Earl who had just spoken, and more particularly the noble Earl (the Earl of Eglinton) who had brought forward this Motion, were perfectly satisfied that the Lord Lieutenant of Ireland had no intention to cast any slur on the government of his predecessor in office by the course which he had taken in the case of Mr. Kirwan. At the same time he must protest against the fairness of the noble Earl's statement—that although it might not be intended, the effect of that course must have been to produce in the minds of the people of Ireland a conviction that there was no spirit of impartiality in the present Government. He must say that the noble Earl (the Earl of Derby) seemed inclined to make a great deal of a very small matter, and he was utterly at a loss to conceive how he could maintain that there was the least show of partiality in this transaction. How could it be maintained that this was an act of partiality on one side, when it was recollected that at or about the same time the Lord Lieutenant of Ireland made a similar proposal with reference to a noble Friend of his (the Earl of Roden) whom he then saw opposite? He was quite sure that his noble Friend (the Earl of St. Germans) was in both cases actuated by the highest feelings of honour; nor could it be any more maintained that the course taken with respect to Mr. Kirwan was a slur on the noble Earl opposite, who had moved for non-existing papers, than that the act to which he had just referred could be considered as a slur on his noble Friend and Colleague (the Earl of Clarendon), who was Lord Lieutenant of Ireland when the dismissal of the noble Earl opposite took place. And while it was impossible to maintain that any slur was intended in either case, so it was equally impossible to maintain—whether the course adopted was right or wrong—that there was any show of partiality in the matter. The noble Earl opposite (the Earl of Derby) seemed, from the question he had put, to think that there was some intention on the part of the Government to withhold information on this subject; and he had endeavoured very ingeniously, from the fact that his noble Friend (the Earl of St. Germans) was in London when he decided on the restoration of Mr. Kirwan to the magistracy, to deduce the conclusion that some written communication must have been made to him for that gentleman's restoration, and that this document was withheld. Now, he (the Duke of Newcastle) could clear that matter up in a way which he hoped would be satisfactory to the noble Earl. He believed that the fact was that the Secretary for Ireland (Sir John Young) was in Dublin in the performance of his duties, and was waited upon by some parties, both Catholics and Protestants, who urged him to recommend the Lord Lieutenant to restore Mr. Kirwan to the commission of the peace. The Secretary for Ireland having investigated the case, and having satisfied himself that it was his duty to make this recommendation, made it, either by a private note or by word of mouth, when he came over to London—he (the Duke of Newcastle) was not certain which. That simple statement was sufficient to prove that there was no suppression of any document. The communication was personal, though not to the Lord Lieutenant, yet to the Secretary for Ireland; and upon that recommendation the Lord Lieutenant acted. The noble Earl had commented severely on the opinion of his noble Friend at the head of the Government, that the late Lord Lieutenant of Ireland had not acted judiciously in suspending Mr. Kirwan; and that it was desirable either that a censure should be passed upon a magistrate, or that he should be dismissed, but not suspended. The noble Earl said that it was only following the precedent set in other branches of the service of the country; and that suspension was the constant result of a court-martial. That certainly was the case, but he would ask if there was any similarity between the positions of an officer in the Army, and of a magistrate in the performance of his duties in Ireland? He apprehended that there was the widest possible distinction between them, and that what might be right in one service might be wrong in the other. But the noble Earl went further, for turning to the bench where the right rev. Prelates usually sit, he expressed his regret that none of them were present in order to confirm his statement that the same course was taken in reference to the clergy. That statement was perfectly correct; but had any of the right rev. Prelates been present, they would have confirmed what he (the Duke of Newcastle) now stated, that the present practice in the Church was one which by no means conduced to benefit the clergy, or satisfy the members of the Church, whether clerical or lay, and that the sooner the practice was stopped the better. He hoped that it would not be thought for one instant that he was imputing any blame to the noble Earl opposite. He (the Duke of Newcastle) had been in Ireland in office for a short time himself, and he was perfectly aware that this practice of suspending magistrates had prevailed to a great extent. Nevertheless, he was rejoiced that his noble Friend at the head of the Government had made this general remark with reference to it, because he, for one, hoped that it would never be pursued in future. He must again repeat that there was no intention on the part of the Government to cast a slur on the noble Earl opposite; nor, indeed, could the reinstatement of Mr. Kirwan be properly characterised as a reversal, or as an expression of disapprobation of his act. The simple fact was, that believing that this gentleman had, in a suspension for four months, undergone a sufficient punishment for the faults which he was reported to have committed—which, according to the reports of Mr. Martley and Captain Floyd, were nothing more than that he had shown want of energy and judgment—though these were certainly faults which he had no wish to extenuate—and knowing that his family were in extremely indigent circumstances, the Lord Lieutenant thought that the cause of justice could not suffer by an act of clemency and grace; and upon that representation of the circumstances, and acting upon that feeling alone, he restored Mr. Kirwan to the bench of magistrates.

The Earl of RODEN said, he was sorry to have heard the remarks which had fallen from the noble Duke who had just sat down, because they had changed his opinion very much as to what he thought was the intention of the Lord Lieutenant when his Excellency offered restore him (the Earl of Roden) to the commission of the peace. It appeared now, from what had fallen from his noble Friend, that that offer was made in connexion with the restoration of Mr. Kirwan.

The Duke of NEWCASTLE was sorry to interrupt the noble Earl, but this was such a complete misrepresentation of what had fallen from him, that he could not but offer a word of explanation. He had not meant to imply anything of the kind, and he was confident that the Lord Lieutenant had no intention of acting upon any such principle. All that he had endeavoured to deduce was this—that the effect produced upon the mind of the people of Ireland could not be that the Lord Lieutenant was actuated by party feelings, when one of the first acts of his Government was to make an order for the restoration of one who, he was afraid, must be considered an opponent of the Government to which he belonged.

The EARL of RODEN must, after this explanation, consider that he had misunderstood the noble Duke; but, at the same time, he must say that the conclusion drawn by persons of all classes in Ireland, with respect to Mr. Kirwan and himself, was just that which he thought his noble Friend had expressed, but which he was sure now was not the case. It had been said that he rejected with disdain the offer made to him, and that he would not receive it under any circumstances whatever. He hoped he should not be troubling their Lordships too much by reading the correspondence which had taken place between the Lord Lieutenant and himself on the subject, in order that, for his own defence, there might be an end put to the various surmises as to the course which he had felt it his duty to take on that occasion. He would read first the letter addressed to him by the Lord Lieutenant:—

"Dublin Castle, Feb. 4, 1853.

"My dear Lord—I think that the necessity for depriving the county of your services as a magistrate has ceased to exist. In this opinion I know that Lord Clarendon, by whom you were superseded, entirely concurs. I have accordingly requested the Lord Chancellor to replace your name in the commission of the peace for the county of Down. Bearing in mind your high character, and your many claims to the respect and good will of your fellow-countrymen, I cannot but rejoice that my first official act as Lord Lieutenant of Ireland should be the reinstating of your Lordship in the magistracy.—I have the honour to be, my dear Lord, your Lordship's very faithful servant, "ST. GERMANS.

"The Earl of Roden, &c.

"P.S. I have also requested the Lord Chancellor to replace the names of the Messrs. Beer in that commission, and I will cause a communication to that effect to be made to them."

Nothing could be more kind than the spirit which animated this letter; but there were certain expressions in it which caused him to think it his duty to make the following reply:—

"Dublin, Feb. 5, 1853.

"My dear Lord—I have the honour of acknowledging your letter of the 4th inst., which was forwarded to me from Dundalk this day, and I beg to return you my thanks for the kindness towards me, which I am sure has prompted your Excellency to request the Lord Chancellor to replace my name in the commission of the peace for the county of Down. Your Excellency has been pleased to say that you 'think that the necessity for depriving the county of my services as a magistrate has ceased to exist, and that Lord Clarendon, by whom I was superseded, entirely concurs with you in that opinion.'

"I trust your Excellency will not consider me wanting in respect to the high station which you fill in this country, when I deny that any necessity did ever exist for the act to which you refer. Had your Excellency been in this country at the time, or had you been a member of the then existing Government, you would not have failed to know that my being deprived of the commission of the peace was in consequence of the pressure of the Romish party here on the Irish Government, to which their weakness forced them to yield, and which has since been avowed by one of that party themselves, the Member for Mayo, in a letter written by him and published within the last few days. With these observations I trust your Excellency will not think that I undervalue 'your first official act as Lord Lieutenant of Ireland,' but that I consider it as an act of justice, not only to myself, but to the loyal subjects of Her Majesty in this kingdom, which you have had the boldness to exercise immediately on your accession to power.

"If, after this declaration of my sentiments, it still appears to your Excellency that my services as a magistrate can again be exercised for the benefit of my country, I beg to say that, however the advanced period of my life and the circumstance of my having so long discontinued those duties might induce me to decline the honour you propose, I should feel it most unbecoming not to sacrifice every personal consideration to a sense of public duty. I trust you will not think me wanting in the courtesy due to your Excellency, if I should hereafter feel it right to make public the circumstances under which I have resumed the duties of the magisterial office.—I am, my dear Lord, yours, very faithfully, "RODEN."

To that he had received a reply, which he would now read to their Lordships:—

"The Castle, Feb. 7, 1853.

"My dear Lord—Your letter of the 5th reached me yesterday. I am unwilling to enter into a discussion of the circumstances which led to your removal from the magistracy, but I must frankly tell you that my view of them differs widely from yours.

"To the condition on which alone you are willing to resume the magisterial office, it is impossible for me to assent. I have therefore requested the Lord Chancellor to cancel the instructions which had been given for replacing your name in the commission of the peace for the county of Down.—I have the honour to be, my dear Lord, very faithfully yours, "ST. GERMANS."

These were the simple circumstances of the case, and he trusted their Lordships would not think he had presumed too much on their indulgence in laying these letters before them. He would add also that he should think him neglecting a duty if he did not acknowledge the great personal kindness which had been shown to him by the present Lord Lieutenant of Ireland.

LORD ST. LEONARDS said, he should not have taken any part in this discussion, had it not been for the question which had been raised with regard to punishment. Now, he thought nobody could find fault with the punishment which had been administered as regarded the original offence. The conduct of Mr. Kirwan, taking it altogether, merited, he thought, severe punishment. For the first time, however, the noble Earl at the head of Her Majesty's Government had thought it right to find fault with the suspension of the magistrate as a secondary punishment; and the noble Earl desired it to be understood—and, of course, what he stated here must have great weight in Ireland—that there must either be simply a censure—mitigated or severe—or a dismissal. Now, he (Lord St. Leonards) had had occasion to exercise for some years in Ireland, upon a much larger scale than the Lord Lieutenant had it in his power to exercise, this particular function, because it devolved on the Lord Chancellor to suspend or punish or dismiss magistrates generally; and only the stipendiary magistrates fell within the jurisdiction of the Lord Lieutenant. Upon some occasions he (Lord St. Leonards;) had suspended these ordinary magistrates. and he held it to be much more difficult to suspend the powers of, or to dismiss one of those magistrates, than it was to suspend a magistrate who was a stipendiary, and who received a salary for his labours. After he had exercised that power, it occurred to him to reflect seriously whether it was constitutional or not—he never had any doubt about the expediency of such a course. It had occurred to him, when a gentleman was once a magistrate, that if his conduct was disapproved of, it would be the more constitutional course at once to dismiss him; and he had asked himself whether it was right that a gentleman should hold Her Majesty's commission of the peace, and at the same time be suspended from administering justice? He had made inquiry, he had given to the point great consideration, and he came to the conclusion upon which he acted, although rarely, that a suspension of a magistrate was no breach of any constitutional doctrine, and that it could be properly applied. It would not prevent the magistrate from acting if occasion demanded it, nor would such an act be blamed; but a wanton breach of the injunction would, no doubt, be followed by dismissal. If it could be applied without any breach of propriety, then surely suspension was a good secondary punishment. It was curious enough to see how this point had been raised. All analogy was in favour of it. Suspension was practised in the Army, the Navy, and the Church. The noble Duke (the Duke of Newcastle) said, indeed, that this was all wrong. In that case, let the power of suspension in these cases be abolished, but in the meantime it would be highly inconvenient that it should go forth, on the authority of the head of the Government, that no suspension of magistrates should in future take place. Indeed, the noble Duke seemed to feel that suspensions must at any rate be admitted to be productive of good effect in the Army, and said that that did not apply to the present case; but he gave no reason whatever for this assertion. The statement of the noble Earl at the head of Her Majesty's Government, that no slur was intended to be cast upon the act of the noble Earl opposite to him (the Earl of Eglinton), was satisfactory. But it would have been difficult to cast any such slur. The noble Earl at the head of the Government did not intend any such thing; but, even if he had, he could not accomplish it, because it seemed to him (Lord St. Leonards) that the act of the late Lord Lieutenant was entirely justified. Still one man might punish, and another man, after the punishment had been endured, might see reason to abate a portion of it, without at all impeaching the original sentence. But what was to be regretted in this transaction was, that it was now explained, that, in point of fact, his noble Friend the noble Earl at the head of the Government in Ireland, had made up his mind to this measure before he went to Ireland, and had done so in consequence of communications made from his Secretary, who was in Ireland. The reasons which had induced him to take that step might be satisfactory; but the fault he (Lord St. Leonards) found was, that the document which was the only source from which the public could draw any conclusion on the subject, simply stated the intention of the Lord Lieutenant to reinstate Mr. Kirwan. When he (Lord St. Leonards) had reinstated a magistrate, or remitted a portion of his sentence, he had invariably taken care to state fully and clearly what the grounds of the remission were. In like manner, if the document to which he alluded had stated that for such and such reasons Mr. Kirwan had been reinstated, and had expressed a hope that the punishment that gentleman had already endured would lead to a better state of things, he (Lord St. Leonards) would have been perfectly satisfied. The transaction itself might have been perfectly right, and as it had now been explained he was willing to believe it was; and that the course taken by the Lord Lieutenant arose, not from any wish on his part to impeach the original decision of his predecessor, but from his having taken into consideration some circumstances which were not before his noble Friend, or which had occurred since he left office. But the reasons for the remission should have been stated; and he regretted that the omission to do so should have given rise to what had taken place on this subject.

The LORD CHANCELLOR said, he had had no intention to take part in this debate, but he could not but think that some observations had fallen from his noble and learned Friend (Lord St. Leonards) which, considering his very high and deserved weight and position in the country, might, if they passed without remark from a person holding the Great Seal, lead to great misconception. The noble and learned Lord (St. Leonards) had stated to their Lordships that his principle, not merely with reference to stipendiary but ordinary magistrates of the country, was from time to time to suspend them from the exercise of their functions, and that it pressed upon his mind, not whether it was expedient, but whether it was constitutional to do so. He did not wonder at this having occurred to the mind of the noble and learned Lord, for he confessed he had heard with astonishment what he had said. He did not know by what process the noble and learned Lord thought the Lord Chancellor could suspend the exercise of the functions of any person to whom he had intrusted the commission of the peace. The Lord Chancellor might strike a magistrate out of the commission of the peace, but he did not think the suspension of that functionary was a very wholesome or constitutional proceeding. If an individual were a magistrate, he was a magistrate with all the powers which the commission of the peace gave him; and if he were not fitted to exercise those powers, the only constitutional mode of proceeding was to strike him out of the commission. With regard to the immediate subject under notice, he would not protract what seemed to be a worn-out discussion, but he wished to make one observation, which was this—that he thought it would be rather a dangerous principle to establish, that a Viceroy going to Ireland, or any one of the dependencies of this country, should feel the slightest impediment in exercising the prerogative of mercy wherever it might seem fit that he should do so.

The EARL of CLANCARTY objected to what he considered the novel doctrine which had been laid down by noble Lords opposite, that the suspension of a magistrate was not a proper course for the Government to take. As his noble Friend (the Earl of Roden) had brought under the notice of the House the circumstances which attended the offer of the Lord Lieutenant to replace him in the commission of the peace, he (the Earl of Clancarty) could not help expressing his opinion that it was desirable that the House should be furnished with a copy of the correspondence which had taken place on that occasion, and he would therefore take that opportunity of giving notice that he would, on Thursday next, move that the correspondence which related to the proposal made to the noble Earl for his restoration to the commission of the peace, and which resulted in his non-acceptance of that offer, should be laid before the House. He feared the course taken in regard to the reinstatement of Mr. Kirwan was calculated to have a very prejudicial effect, and to produce a dangerous impression on the other stipendiary magistrates, who are constantly called upon for their exertions for the preservation of the public peace.

The EARL of DERBY said, his noble Friend the late Lord Lieutenant had been obliged through exhaustion to leave the House, and on his part he withdrew the Motion, his object in bringing it forward having been fully attained by the discussion which had taken place.

Motion (by leave of the House) *withdrawn.*

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 19, 1853.

MINUTES.] PUBLIC BILL.—1° Taxing Officer, Common Law Business (Ireland).

COCKERMOUTH ELECTION COMMITTEE.

MR. G. A. HAMILTON appeared at the bar, and reported that the Cockermouth Election Committee had determined—

"That Henry Aglionby Aglionby, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Cockermouth.

"That General Henry Wyndham is duly elected a Burgess to serve in this present Parliament for the Borough of Cockermouth."

Report to lie on the table.

CONSOLIDATED ANNUITIES (IRELAND).

Mr. H. HERBERT said, he wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer respecting the intention of the Government in relation to the Irish Consolidated Annuities, as some misconception appeared to prevail upon the subject. He wished to know whether the Government intended to make any distinctions, or to remove the whole of the Annuities, in consideration of the imposition of the income tax being extended to Ireland.

The CHANCELLOR of the EXCHEQUER: Sir, I am much obliged to my hon. Friend for having put a question to me upon a point so important as this. I stated last night that the whole of the Consolidated Annuities due from Ireland represented nearly 4,500.000*l.* of money, 1,500,000*l.* of which in round numbers was due to grants of money connected with the introduction of the system of the poor-law, whilst the other 3,000,000*l.* had reference to grants connected with the famine. I drew this distinction only to put the Committee in full possession of the nature of the case with which they were to deal. I did not mean that the Government intended to draw any such distinction, or any distinction at all, with regard to the mode of dealing in reference to the propositions of the Government. The propositions of the Government will be, both with regard to the 3,000,000*l.* and to the other portion of 1,500,000*l.*, to sweep away the whole obligation of Ireland to England upon that account from the 29th of last September.

DOCKYARD APPOINTMENTS AND PROMOTIONS.

Sir BENJAMIN HALL: Before I proceed to make any observations upon the important subject which I shall feel it my duty to bring under the consideration of the House, I must be permitted, in the first place, not merely as in duty bound, but with every feeling of gratitude, to offer my sincere thanks to the two hon. Gentlemen (Mr. R. Phillimore and Sir W. Clay), who had precedence on the notice paper, for having permitted me to address you at this early part of the evening. It is quite unnecessary for me to assure the hon. Gentleman to whom I must frequently allude in the course of my observations (Mr. Stafford), that I do not bring this subject forward from any feeling of hostility towards himself; and the assent given by the hon. Gentleman increases the confidence I previously entertained that he will acquit me of all such feelings. But in this assembly, where the proper freedom of speech is admitted, where the character and conduct of public men may be fairly, but not too closely, criticised; where the administration of those public men is to be taken into consideration, it is the duty of Members of Parliament who may think that that administration has been improperly carried on in some departments, that influence has been unfairly exercised, and patronage has not been distributed for public good, but for political purposes, not to shrink from the task, and not to shrink from the difficulty of bringing such subjects under the consideration of the Legislature. With these feelings and these views, and in the hope that, if anything of that kind has occurred, we may, perhaps, prevent the repetition or recurrence of it, I shall now submit the present Motion. The hon. Gentleman, when I gave notice of my intention, not only expressed a hope that if I put a notice upon the paper I would bring it forward at the earliest possible opportunity, but that, if it should be of a more than formal character, I would abide by the terms of it. I think the hon. Gentleman was quite right in calling upon me to do so; and I have acted up to his wish as strictly as possible. Now, I must beg the House to bear in mind that an important element in the consideration of the subject is the period of time at which the circumstances occurred to which I shall allude. In the early part of last year a change of Ministry took place; the Whig Government was displaced, and another was formed under the auspices of Lord Derby. Immediately after the noble Earl's accession to office, he appointed the Duke of Northumberland to the office of First Lord of the Admiralty, and the hon. Gentleman the Member for the county of Northampton (Mr. Stafford) held the important office of Secretary to that Board. Soon after that a general election was expected. The First Minister stated in his place in Parliament that he could not say whether that event would occur in the month of April, in the month of May, or in the month of June; but, so soon as public business would admit of it, he would advise Her Majesty to dissolve the then existing Parliament. That promise made by the noble Earl was faithfully and religiously fulfilled; and in the month of June Parliament was dissolved. I wish the House to bear this in mind as one of the most important elements in the case, because my object is to show that the influence of the Admiralty was improperly exercised, that the patronage of that department of State was used for political purposes, and that the Gentlemen who wielded that influence and distributed that patronage seemed to have only in view one great object—and that was, the result of the general election. It was always my opinion that the real question to be decided by the country at that important crisis was, not whether protection should be restored, or whether the principle of free trade should be continued. I considered protection dead, and free trade established; that the advocates of the former principle had long since given up their theories and their hopes in reference to that great object, and that the real question was this—whether the Administration under Lord Derby should continue in office upon Conservative or Tory principles, or whether a more liberal policy should direct the affairs of the country. I must now call the attention of the House to a circumstance that took place in reference to the administration of the affairs of the Admiralty in the year 1847. Previously to that year there was a great deal of laxity in the management of the public departments under the control of the Admiralty. The subject engaged the attention of previous Boards, and of the Board which existed in the year 1847. In that year they issued a memorable and a most useful circular, part of which I shall now read, in order to show what were the intentions of the Lords of the Admiralty and of the Board of Admiralty in that year. I have stated in my notice that I shall call the attention of the House to three papers, Nos. 67, 271, and 272, of the present Session; and I will confine myself as closely as I possibly can to the details in those papers. I shall now quote from Parliamentary paper No. 272, and the quotation will be found on page 2. It is a circular addressed to the admirals and captains superintending Her Majesty's dockyards, and it bears date the 27th of February, 1847. It commences—

> "Admiralty, February 27, 1847.
>
> "Sir—I am directed by the Lords Commissioners of the Admiralty to inform you that they have felt themselves compelled to take the condition of the dockyards under their most serious consideration. The subject is one of great magnitude. The vote for wages and salaries in Her Majesty's establishments at home and abroad, under Nos. 6, 7, 8, and 9, has averaged 810,664*l.* during the last four years. It is a constantly increasing vote. The vote for 1843–4 was 779,386*l.* The vote for the current year is 951,886*l.* The vote for stores (including steam machinery) for 1846–7 amounted to 1,694,152*l.*; and that for buildings and new works to 526,810*l.* The machinery already in existence in the dock and victualling yards is increasing annually in value, and large additions must be made to it as the steam factories at Portsmouth, Keyham, and Malta advance towards completion. No reduction in this branch of the establishment is probable or possible, for the steam factories must keep pace with the growth of the steam navy, which, again, is determined by considerations of national policy."

It then goes on to say—

> "My Lords have much satisfaction in acknowledging the good moral tone that prevails amongst the artificers generally, and the excellent quality of the work performed by them. On the other hand, they think that there is abundant evidence to show that the quantity of work done is below the standard of well-conducted private establishments; and that there is great room for improvement in the application both of stores and labour. Their Lordships will not entertain any general charges of indifference to expense on the part of the officers, or of inertness on that of the men; and they are equally unwilling to dwell upon representations made to them of the effect of political feeling, in some of the yards, upon the course of promotion, though they can conceive nothing more dangerous to their discipline, if true, or more detrimental to the public interest. They wish to look forward, not to look back; their object being to introduce a system that may inspire every man with the belief that his conduct will be known and appreciated by his superiors, and that, however humble his position originally, his future fate depends upon his own exertions. Their Lordships see too much reason to apprehend that such is not the present state of feeling in the dockyards; but that the rise from shipwright to leading man, and from leading man to inspector, is regarded rather as a matter of accident or favour than as a reward due to merit, and to be dispensed upon plain and equitable principles."

Then follow the various rules which were set forth, showing what regulations the Board thought requisite for appointments in the first instance, for promotions in the next, and for the duties of superintendents over the various offices in the several yards. And the paper winds up with this remarkable and most admirable conclusion:—

> "My Lords have now only to call upon the admirals, and captains, superintendent, the master shipwrights, and the other principal officers of the dockyards, to assist them in working out this plan honestly. They have given sufficient proof, by the surrender of their own patronage, of the sincerity of their desire to make these great national establishments what they ought to be. They have re-

> moved everything that can warrant a suspicion that preferment will be the result, not of services, but of political favoritism. They wish every step in the advancement of a man to be known and marked by his fellows, and they have laid down the rules that seem to them best adapted to insure in each stage fair play to merit and industry."

This circular was signed by Mr. H. G. Ward, and it was circulated in accordance with the orders of the Admiralty. Mr. Ward was examined in 1848 before the Committee which sat upon the Army, Navy, and Ordnance expenditure; and he stated in his evidence that although the order had been in force only a few months, yet a most material alteration appeared in the character, conduct, and feelings of the men; that the Admiralty were induced to believe that they would pay full attention to their duties, in order that, by the proper discharge of those duties, they might be raised according to their merit, in accordance with the circular. Mr. Ward was also questioned as to promotion, and he pointed out the way in which promotions were made during the time he was Secretary of the Admiralty. They were made, he said, in accordance with the circular. He was asked—

> "Do the Admiralty, on receiving that recommendation, in any case go out of the names recommended?"

He answered—

> "We have tied and bound ourselves by this circular; everything in the yard is conducted upon the principles laid down in this circular. We have foregone all patronage whatever with regard to the promotion of the men; we found that it was working most injuriously upon the characters and morals of the men. We have wished to teach them to look to the head of the yard as the person through whom every recommendation to the Board must come, and to limit the action of the Board to the selection of one of the names that were submitted to them from the yard. We have done that with every class of artisans; we never advance a man of any kind without a report from the superintendent."

In reference to this subject the right hon. Baronet (Sir J. Graham) put a pointed question with regard to the application of interest in the dockyards. Question 950 was—

> "At elections, do the superintendents of the yard interfere directly or indirectly by the use of influence?"

Mr. Ward replied—

> "Most distinctly not; we have had no complaint or suggestion of such a thing having been done in any one instance at the last election, of which alone I can speak. Had any one man done so, I will venture to say that under Lord Auckland's orders he would not have remained superintendent of the yard one day."

Such was the way in which this admirable circular of 1847 was carried out; but, in order to render it impossible for the Lords of the Admiralty or the Secretary of the Admiralty, however powerful he might desire to be, to exercise any privilege, of any sort or kind whatever, as regards promotion, without having due regard to the rules and regulations of the circular, the Lords of the Admiralty went further, for in point of fact they said, "No accusation shall lie at our door; we will lay the whole upon the Surveyor of the Navy; he shall be the person to whom reports shall be sent, and upon him shall rest the responsibility of any further promotions." Consequently, on the 26th September, 1849, a circular was sent to the superintendents of Her Majesty's dockyards, which will be found in page 10 of No. 272, and of which the following is a copy:—

> "Admiralty, September 26, 1849.
>
> "Sir—In order that the Surveyor of the Navy may be enabled to check and properly control the new establishments of the dockyards which have been recently promulgated, all reports and correspondence on the subject of vacancies, promotion, or changes of the officers and workmen, are in future to be transmitted through him, instead of their Lordships, direct.—I am, &c.
>
> (Signed) "W. A. B. HAMILTON."

The object of this circular was evident. The Surveyor was to be alone responsible for all the estimates sent in by him to the Lords of the Admiralty, to be submitted by them for the consideration of this House. No vacancy was to be filled up, unless absolutely necessary, because the Surveyor of the Navy would have to answer for it. But the pith of the document will be found in these Parliamentary papers, for, by acting upon the principles laid down in the circular of 1847, strengthened by the circular of 1849, which I have just read, there was a saving of no less than 190,000*l.* a year to the country, namely, 130,000*l.* in the wages of artificers in the yards, and 60,000*l.* in the steam factory. That this order, as well as the order of 1847, which it was intended to carry out, are considered of material and of vast importance, although they were in a great measure rescinded, and almost absolutely cancelled, by the late Secretary to the Admiralty, is proved by the fact that they have been made the subject of an Order in Council under the present First Lord of the Admiralty. Let us see what was the nature of the last document I have read—that which places the control in the Surveyor of the Navy, instead of leaving it in the hands of the Secretary to the Admiralty, as before and as since. This order was issued to the Surveyor on the 5th September, 1849: it was "approved" by the Secretary, "minuted" by the First Lord, and it was called by the hon. Gentleman, in a letter to which I shall refer presently, "their Lordships' letter;" therefore, I presume it was an order of the Board. Now I come to the time when the Board of Admiralty was changed; and I am about to show the House what took place immediately after Lord Derby's Administration came into power. The Duke of Northumberland, a naval officer, took the head of the Admiralty, and the hon. Gentleman (Mr. Stafford) the office of Secretary. Very soon, or immediately after the hon. Gentleman was appointed Secretary to the Admiralty, he had some conversation with Sir Baldwin Walker—and here I desire only to quote from papers which are public property—in which he said that his political friends were dissatisfied at the manner in which the patronage of the Admiralty was dispensed. Now came the desperate game played by the Board of Admiralty, and I shall show that it was played in reference to the great result I have alluded to, namely, the election of Members to serve in this House. On the 19th of April, the hon. Gentleman, having been in office only five weeks, I believe, wrote—and you will find it in No. 67, page 2—as follows:—

> "Admiralty, April 19, 1852.
>
> "With reference to their Lordships' order of the 26th of September, 1849, which directs that all reports and correspondence on the subject of vacancies, promotion, or changes of the officers and workmen of the dockyards, shall be forwarded through the Surveyor's department, I am to acquaint you that the order in question is to be considered as cancelled, and that in future such reports and correspondence are to be transmitted direct to the Secretary of the Admiralty.—By command of their Lordships,
>
> (Signed) "AUGUSTUS STAFFORD.
>
> "To the Superintendents of the Dockyards
> at Deptford, Woolwich, Sheerness, Chatham, Portsmouth, Devonport, and Pembroke."

I asked my right hon. Friend the present First Lord of the Admiralty whether there was an order in existence in reference to this circular, and the right hon. Gentleman informed me, in his place here, that there was none, I therefore wish to know why this is signed "by command of their Lordships." I have always believed and understood that the object of having Lords of the Admiralty was that we might have a Board to discuss and consider great questions affecting the naval interests of the country, and that the Secretary was to act in conformity with the orders of the Board, and not to play such a desperate game as this of his own accord, for political purposes. I am in happy ignorance of the feelings of official life, and of the proceedings in these establishments; but I have always understood that there is some delicacy with regard to the rescinding of previous orders, of orders issued by a previous Board; and I hope the hon. Gentleman will be able to explain to the House, as I dare say he will, what induced him to issue this circular, which I shall be able to show presently was without the knowledge and without the consent of the Board. The object, of course, is apparent, and it was effected too. It was to take the whole patronage of the Admiralty into his own hands. But the Surveyor of the Navy was dissatisfied. He naturally felt he should be called upon to give an account of the great expenditure that might be incurred, and of the increase in any estimates that might be laid before Parliament; therefore he remonstrated very properly; and on the 21st of April last, forty-eight hours after that circular was written, he addressed a letter to the Secretary of the Admiralty, which will be found on page 12 of No. 272; and I beg the House to be kind enough to mark some of the words at the conclusion of the letter, because they are important in reference to the subject which, in the latter part of my observations, I must necessarily, however painful it may be, bring under the consideration of the House:—

> "Somerset House, April 21, 1852.
>
> "Sir—You having been pleased to inform me that great dissatisfaction existed among your political friends at the manner in which the promotions, &c., were made in the dockyards, and that it was your intention, in consequence, to cancel their Lordships' circular of the 29th of September, 1849, which directs that all papers respecting vacancies and promotions should be sent through the Surveyor to their Lordships; and as the cancelling of this circular is the only step taken to remedy the evil you were pleased to state existed, it can bear no other construction than that of a censure on my conduct. I must therefore beg to tender to their Lordships my resignation; for I can no longer continue to hold the appointment of Surveyor of the Navy with such an imputation on my character as that of allowing political motives to influence my submission to the Board.—I have, &c. (Signed) "B. W. WALKER.
>
> "Augustus Stafford, Esq., M.P., &c.,
> Secretary of the Admiralty."

If ever there was a tender of a resignation in a plain and simple form, this is one of those cases; for Sir Baldwin Walker says, "I must therefore beg to tender to their Lordships my resignation." As to what became of this resignation, we must presently inquire. Questions were put in this House, and answers were given, upon this subject. Whatever may have become of this letter, it is only for me to inquire, for I do not know. It certainly caused some commotion at the Board of Admiralty, because a very few days afterwards it was found necessary to issue another circular to this effect:—

> "Admiralty, April 26, 1852.
>
> "Misconstruction having arisen with reference to their Lordships' circular issued on the 19th inst., I am to acquaint you that no imputation is intended to be cast thereby upon the Surveyor of the Navy. The arrangements with regard to the dockyard promotions, as laid down by their Lordships' circular of the 27th February, 1847, will be strictly adhered to; and they deem it desirable to revert to the system then in force, of having all communications on the subject addressed to this office in the first instance.—I am, &c.
>
> (Signed) "Aug. Stafford."

If it were not intended to cast any imputation upon the Surveyor of the Navy, why was the previous circular issued? Why was the circular of 1847 cancelled at once by a stroke of the pen of the hon. Gentleman? But I think I shall be able to show, although it is stated here that their Lordships' order of the 27th February, 1847, part of which I have read, would be strictly adhered to, it was departed from in many and most material instances. This letter was addressed to the superintendents of the various dockyards, and a copy of it transmitted to the Surveyor of the Navy. The Secretary of the Admiralty had now got everything into his own hands, because the patronage rested entirely with himself, the Surveyor of the Navy having been put upon one side. If I may judge from that which has reached me, his political friends had no longer any reason to be dissatisfied. Vacancies were filled up without inquiries of the Surveyor; unnecessary promotions were made in various yards, of persons, as I am informed, incapable of fulfilling the duties of the offices to which they were appointed: this I take also from the information given me in these same papers; and as to the candidates for the various boroughs connected with Her Majesty's dockyards, they must have been gorged with the patronage given to them. Let me give the House some idea of what took place at Devonport as to the appointments. I have here a list of persons entered in the dockyard at Devonport. The House will bear in mind that their Lordships' circular of 1847, and the following circular of 1849, which strengthened the operation of the previous circular, were in operation until the 19th April, 1852, when these documents were cancelled by the pen of the hon. Gentleman. Now I shall show the House in a few words the number of persons entered in the yard previous to the cancelling of the order, and the number of persons entered in the yard subsequent to the cancelling of the order, when the patronage was vested only in the hon. Gentleman. I will take the year 1852. I find in January, 1852, three persons were entered; in February, three; and in March, one; making a total in those three months of seven. In the month of April, 1852, up to the 19th, upon which day the circular was cancelled by the hon. Gentleman, there were only two entered. Thus, there were only nine in the whole. But now let us see what took place immediately afterwards. From the 19th April to the end of June, fifty-seven persons were entered. From the 1st of July to the end of September, thirty-four persons were entered. From the 1st of October to the end of December, twenty-three persons were entered. So that, while before the circular was cancelled by the hon. Gentleman there were only nine persons entered, there were entered after the circular had been cancelled no less than 112 persons. What took place afterwards, when the present First Lord of the Admiralty came back into office, and when the power of the original circular was re-enforced? Why, in the month of February, 1853, only one was entered, and in the month of March only one more. This return I have had some difficulty in getting. A gentleman in the west of England, but in no way connected with the Admiralty, procured it for me. But if this is a sample of what is taking place in various yards, the House will agree with me that I am perfectly justified in bringing the matter under consideration. Let us go a little further in reference to this subject. I have also a list of names, of men engaged as extra sawyers, who were removed in April, 1852, to make room for others. It is a list of eleven persons. One had been there two or three years, and the whole of the ten others had been there for several months; and yet they are discharged without any cause, except that it is convenient to make room for others. Here are some of those who supplied their places—John Smith and James Abbott were admitted sawyers, being both Plymouth voters. A man named Pengethley and J. Rounsell were admitted as sawyers in the yard, and their brothers were Devonport voters. Neither of these four persons had ever been in the yard before, so that great injustice has been done to the men who have been reduced. But now we are in Devonport, I will give another instance of what took place in the borough of Plymouth. In the three months previous to the cancelling of the circular—in February, March, and April—only three persons were entered in the yard. The dissolution of Parliament took place at the end of June, and the elections for these boroughs took place in the first week in July. Now, mark what was the effect on the admission of persons to this yard. While only three persons were admitted in the first three months preceding the cancelling of the circular, between the 14th of June and the 17th of July, no less than nineteen persons were entered. The elections were just at that time taking place, and we all know the effect of appointments of this kind in influencing the votes of the electors. It seems that Sir Baldwin Walker, the Surveyor of the Navy, could not stand this sort of proceeding in the dockyards, over which he is supposed to assume control, and he wrote a letter to the Duke of Northumberland, which contains all the charges—for I make nine—against the hon. Gentleman the late Secretary of the Admiralty, and the Board of which he was so far a member. Fourteen days after the order of 1849 was cancelled, and twelve days after the circular of the hon. Gentleman the late Secretary of the Admiralty, Sir Baldwin Walker wrote to the Duke of Northumberland to this effect:—

> "Somerset House, May 10, 1852.
>
> "My Lord Duke—I feel that I should be neglecting my duty were I not to point out to your Grace the evil system which has been pursued of late, not only with respect to my position as Surveyor of the Navy, but also with reference to the appointments and promotions in the dockyards. Your Grace is aware that the Secretary of the Admiralty thought proper to cancel, without the knowledge of the Board, their Lordships' circular of 29th September, 1849, which directs that all papers respecting promotions and vacancies in the dockyards should be sent through the Surveyor to their Lordships; this order of 1849 was only reverting to a system which had always been in force prior to 1845, and which was then discontinued, I have reason to believe, on personal grounds. The abolition of a system which was found to work well for upwards of three years, causing an annual saving of 130,000*l.* in the wages of the artificers of the dockyards, independent of upwards of 60,000*l.* in the steam factories, without impairing the efficiency of those establishments, must be prejudicial to the public interest, and has tended much to lower the position of the Surveyor. Now there is no one to control the establishments, and the Surveyor can no longer be held responsible for the estimates not being exceeded, nor can he be answerable for the efficiency of those establishments; for the Board's admirable circular of February, 1847, which directs that all advancement in the dockyards shall be for merit alone, has been virtually thrown aside; vacancies have been filled up which were not necessary, and men advanced, not for merit, but by political influence; and in one instance a person has been promoted who is not competent to fill the situation to which he has been appointed; and that was done without any reference having been made to the superintendent of the yard. Having stated thus much, I think it right to inform your Grace that I attribute the inconsiderate manner in which I have been put aside by the Secretary of the Admiralty to my unqualified refusal to depart from their Lordships' circular of February, 1847, by lending myself to recommend men for advancement on political grounds. In conclusion, I beg to assure you, my Lord Duke, that I have made this statement from no personal motives, my only wish being the public good, and that your Grace's administration should not be tarnished. "B. W. WALKER."

This letter, I say, does honour to the man who wrote it. And here Sir Baldwin Walker says that the late Secretary to the Admiralty thought proper to cancel the order of 1849 without the knowledge of the Board; and yet the circular of the hon. Gentleman is signed "by their Lordships' command." I will give a summary of the charges in this admirable letter of Sir Baldwin Walker to the then First Lord of the Admiralty, which seems, as far as regards the records of the office, not to have been noticed. To be sure it is not strictly an official document, but it looks very like one. It is an important letter from the head of the Naval Department to the First Minister of that Department, and calls attention to considerable grievances and impositions on the public, and at all events deserved an answer or notice of some kind. The charges made are, that the Secretary had thought proper to throw aside the circular of 1847, which directed that all advancement should be by merit alone; that vacancies had been filled up which were not necessary; that persons had been promoted who were not competent to fill the situations; that merit had been disregarded; that all this had been done for political purposes; that the late Secretary to the Admiralty had done it himself, and had done it because the Surveyor of the Navy would not lend himself to recommend men for advancement on political grounds. These are grave and serious charges; but they become much more grave, and assume a much more serious aspect, when we look to the quarter from which they emanate. I have not the honour to know Sir Baldwin Walker, neither have I had any communication with him on the subject; but I am informed he is one of the most able officers in Her Majesty's service—with remarkable mildness of disposition he combines a firmness of character and stability of purpose rarely equalled—with all the attributes of a gentleman he unites the most striking characteristics of an experienced officer. But this I do know, that his skill in civil affairs is only surpassed by his daring in naval enterprise. He has received honours and rewards from foreign sovereigns, and is the only captain in Her Majesty's service who wears the star of the Order of the Bath upon his breast. I think even if I were to stop here, I have made out a case for Parliamentary inquiry. I think I am entitled to say, grant a Committee, and let Sir Baldwin Walker be the first witness called. Let that letter be put in his hands, and let him be called to prove the charges it contains. If he does prove them, I say grave and serious censure will lay on the late Board of Admiralty. But if these accusations are unfounded, if these statements are untrue, if they are put forward to gratify any petty spleen or malice, then I say this otherwise noble and spirited letter will lapse into a foul and scandalous libel, and Sir Baldwin Walker, with all his glorious antecedents, must fall from that high position which he now so justly occupies. I would, Sir, I could find it consistent with my duty to close my observations here, because what I am now about to state peculiarly affects the hon. Gentleman opposite. I have always considered, during the great number of years I have had the honour of a seat in this House, one of the most valuable privileges acceded to Members of Parliament is that of being able to put questions to the Members of the Government of the day, because if that privilege is exercised with fairness and discretion, much valuable information is acquired, many a speech is saved, and many a debate is rendered unnecessary. The Gentleman to whom a question is addressed, has the option either of answering the question, or declining to do so. If he selects the former alternative, I think it is his duty to give so clear, so plain, so straightforward an answer that no doubt whatever may be left on the mind of the Member who puts the question, or on the minds of those who hear the answer given, and that they may leave the House perfectly convinced they have been accurately informed what the real state of the case is. Now, Sir, do not let it be supposed that I wish to insinuate or to intimate in the slightest degree that the hon. Gentleman has departed from what ought to be the rule. On the contrary, I shall show that he gave a clear and decided answer to the question put to him, and in consequence of the nature of the answer given, I feel it my duty now to bring it forward, in order that some misapprehension may be cleared up. And I do so, because I think it would be unfair to the hon. Gentleman not to give him an opportunity which I know he desires. On the 23rd of November, 1852, some questions were put by two gallant admirals, the hon. Member for the city of Gloucester, and the hon. Member for the town of Brighton; and on referring to *Hansard* I find the hon. and gallant Member for the city of Gloucester put three questions, one following the other, the second of which, being connected with the subject now before the House, I will read to the House. Admiral Berkeley asked—

"Whether the present Board of Admiralty, soon after their accession to office, gave directions that the names of the workmen and artificers recommended for promotion, were to be sent direct to the Secretary to the Admiralty instead of being first submitted to the Surveyor of the Navy, as had been previously the rule, and whether any correspondence took place with the Surveyor in consequence of such order, and whether such order is still in force?"

Mr. Stafford, in reply to the second question, said—

"He had to state that he supposed the hon. and gallant Gentleman alluded, in the wording of his question, to the arrangement made by Mr. Ward in 1847. The arrangement, which was first made when the Navy Pay Office was consolidated with the Board of Admiralty in 1843, confirmed in 1844, and assumed to be in existence in 1847, when Mr. Ward issued his last regulation, was still in force, and had not been at all disturbed by the present Board of Admiralty. There was no correspondence with the Surveyor of the Navy on the subject."—[3 *Hansard*, cxxiii. 350.]

Immediately after my hon. and gallant Friend the Member for the town of Brighton (Sir G. Pechell) also put a question to the hon. Gentleman, and although I should prefer to quote from the pages of *Hansard*, I cannot do so, because the question is not to be found there. I am sure, however, hon. Members, and I dare say the hon. Member himself, will recollect the question being put. I have looked at all the morning papers, and I find it given in very similar words; but I take it from the paper which is more particularly the organ of the political opinions of the hon. Gentleman. Sir George Pechell asked if the Surveyor of the Navy had not tendered his resignation? Mr. Stafford said the Surveyor of the Navy had not tendered his resignation. I want, Sir, to clear up this discrepancy, or mystery, because I have read the letter of Sir Baldwin Walker, in April, 1852, in which the words were—"I beg to tender my resignation to your Lordships." This letter was addressed to the Secretary, although it is not to be found in the records of the Admiralty. The Surveyor of the Navy was examined before the Chatham Election Committee, and on looking over the evidence, I find he there says—In consequence of the letter of the late Secretary to the Admiralty of the 19th of April, he wrote a letter (which I have already read to the House) on the 21st of April, forty-eight hours afterwards, and gave it into the hands of Admiral Parker, then and now one of the Lords of the Admiralty; and he had no conception his letter was not laid before the Board until he saw in the papers the questions and answers I have read, in which it is stated no communication had been sent, and no resignation had been tendered on his part. I think the best course for me to take is not to comment at all on this part of the subject. I do not wish to prejudge the question. I do not wish to prejudice the question in the slightest degree. What I desire is a candid explanation of all these matters. As I have said before, I do not stand here to make any charge against the hon. Gentleman, but to bring before the House the charges which have been made by others, that further inquiry may take place. But I think I may ask the hon. Gentleman whether this letter of Sir Baldwin Walker ever did reach the Board—whether he can recollect if he ever saw this letter, or heard of its contents; and if he heard of the letter, and was aware of the contents, whether that was before the 21st of November? If he knew nothing of the contents of that letter, I would further ask, what could induce the Board of Admiralty, on the 26th of April, 1852, a few days after the receipt of the letter of Sir Baldwin Walker, to issue the letter which bears the signature of the hon. Gentleman, in which it is said no imputation whatever is intended to be cast upon the Surveyor of the Navy. If hon. Members will refer to the printed papers in their hands, they will see I am taking these questions consecutively in the order in which I have placed them; and I now come to the cancelling the appointment of Wells, and the appointment of Cotsell in his place. I find, on looking over the evidence taken before the Chatham Election Committee, before which Sir Baldwin Walker was examined, that in the month of August last, some time before the appointment of Wells, the smitheries in the Portsmouth yard were not in a good state, and it was determined by the Board to introduce a man from a private firm, and this was done in the instance of Wells. Sir Baldwin Walker writes a letter on the subject on the 9th of September, dated from the department of the Surveyor of the Navy, in these terms:—

> "With reference to the accompanying letter from the Admiral Superintendent at Portsmouth, and to their Lordships' decision that an experienced master smith be appointed to Portsmouth yard from the private trade, I beg to state that Mr. James Wells, who is in his 37th year, has been very strongly recommended as being well qualified for the charge of a smithery; and I therefore submit that he be appointed master smith at Portsmouth yard in the present vacancy, and that, as in the case of Messrs. Black and Ainslie, appointed respectively to Woolwich and Devonport yards, under similar circumstances, he be entered on probation for six months, to be paid at the rate of 200*l*. a year, with the understanding that if, at the expiration of that period, his conduct and abilities should be found to be perfectly satisfactory, he shall be appointed master smith at the full salary of 250*l*. a year."

I find in the next page of the same parliamentary paper which contains this letter, that in pursuance of this recommendation, on the 10th of September, 1852, Mr. Wells was appointed, and a letter announcing his appointment was sent to the Admiral Superintendent at Portsmouth, and a duplicate letter was sent to the Surveyor of the Navy, informing him that his recommendation had been carried out by their Lordships. It appears, also, from the evidence before the Election Committee to which I have referred, that Wells went down to Portsmouth to perform his duties, that his conduct was perfectly irreproachable, that he conducted the business of his department satisfactorily to everybody; and in that evidence the counsel for Sir Frederick Smith, in cross-examining Sir Baldwin Walker, asked if, previous to the appointment of

Wells, he made any inquiry as to his political opinions; and Sir Baldwin Walker said, most decidedly not. I believe the exact words were—"I do not know anything about his politics." Wells continued in the appointment twenty-one days afterwards, when the order of the 1st of October, 1852, was made, appointing a person of the name of Cotsell. Mr. Wells, being naturally indignant at this treatment, sent a memorial to the Lords of the Admiralty, which is not dated, but it must have been about the 16th of September, as it is in immediate connexion with a letter of Sir Baldwin Walker, of that date. In that memorial Wells sets forth his grievance, saying he had been sent by the Surveyor of the Navy to Portsmouth as master smith on probation; that he relinquished a business in which he had invested 1,200*l.* before he accepted the appointment; and that he thinks he is very hardly dealt with. This memorial is enclosed in a letter from Sir Baldwin Walker, in which he says that he selected this man in consequence of their Lordships' decision, that the vacancy for a master smith at Portsmouth should be filled by the appointment of a competent person from the private trade, as had been done at Woolwich and Devonport; that Wells was examined by Sir Baldwin Walker and the chief engineer as to his qualifications, which were found highly satisfactory; that Wells gave universal satisfaction during the time he had charge of the smithery; that he had been superseded, and this grievance Sir Baldwin Walker had reason to complain of, because on his recommendation Wells had relinquished business to take the appointment. In answer to that letter of Sir Baldwin Walker, containing the memorial of Wells, the hon. Gentleman wrote to Wells on the 18th October, as follows:—

> "I have received your memorial without date, and I am commanded by my Lords Commissioners of the Admiralty to acquaint you that they are not aware that you have received any appointment from them, and that their Lordships do not consider you justified in designating yourself 'late master smith of Her Majesty's dockyard at Portsmouth;' they therefore return you your memorial. If, however, from any communication with any of the officers of the several departments, you have been led to expect such an appointment, their Lordships are prepared to give their consideration to any memorial from you on that subject; but my Lords cannot recognise you as late master smith of Portsmouth dockyard, as no warrant has been given to you by their Lordships for such appointment. I am also to desire that, in any future communication to their Lordships, you will state your address."

I have said it was determined by the Board of Admiralty that a man should be selected from the private trade. The man was selected; the selection was approved of; he was sent down to Portsmouth by an Admiralty order. A letter was sent to the Admiral Superintendent, and a duplicate was sent to the Surveyor of the Navy, informing them that Mr. Wells was appointed on probation. And although I admit, in the strict technical and official sense, no warrant was made out for the appointment—or rather no warrant for the appointment can be found in existence, because I wish to draw that distinction—I submit that virtually Mr. Wells was appointed. Thanks to the petition against the Member for Chatham, we have a good deal of evidence on this point of the case, and in that evidence I find Robert Bell, Clerk to the Admiralty, stating that he saw the minute of the appointment of Wells—that he himself got the minute drawn out five days after the appointment was made. Where is this document? I have asked for it in this House; and the right hon. Baronet the present First Lord of the Admiralty says it is not in existence. Perhaps I may enlighten the House a little as to what has become of it. As this is a matter of grave importance, I feel it my duty to state exactly the course I have taken with reference to the document I am about to read, that I may be exonerated from all blame should the veracity of the person who gave the information be hereafter questioned, which I do not expect. A gentleman called on me a few days ago, having seen the question and answer put by me and given by my right hon. Friend (Sir J. Graham), and said he could give some information about the non-appearance of this document. He then stated the circumstances to which I shall presently allude. I said, this statement is of such serious import, it is a charge of so extraordinary, I may also say of so extravagant a nature, that I will not make use of it in my place in Parliament or elsewhere unless I receive it in the form of a deposition, and have the authority of the person making the deposition to read it to the House. Yesterday morning I received the deposition and the permission of the deponent to read it to the House. I thought it of such great importance that I at once went to the Admiralty. The Board was then sitting. I sent a note in to the Secretary of the Admiralty to tell the Board I had got this document. I felt that I ought to make the Board acquainted with it (and it was my intention to make the late Secretary of the Admiralty acquainted with it), in order that they might be prepared to inquire into the subject, and convey any information to the House when it was brought under discussion. I must also say that I was obliged to leave the Admiralty on my own private business, and left the document there to be copied, hoping to receive it before I came down to the House this afternoon. Although I did not receive it in time to give the hon. Gentleman opposite a copy, I made him acquainted precisely with the contents. Under these circumstances, and whatever the nature of the document, I trust I shall be acquitted of any precipitancy in the matter. I will now read the document to the House:—

"Thomas Scott, of High Street, Chatham, in the County of Kent, Relieving Officer of the Medway Union, says:—I am, and have been for the last five years, well acquainted with Mr. George Cotsell, of Chatham Dockyard, Master Smith. A few days prior to his departure from this yard to Portsmouth, I met him; our conversation turned upon his removal to that place. He said, 'Now the thing is all settled I don't mind telling you how it happened. When I found by the *Times* paper that Wells was appointed Master Smith of Portsmouth, I immediately went to the Board of Admiralty. I there saw a gentleman, a friend of mine. After telling him what I had come up about, he took me into a room in the Admiralty. I there saw the appointment of Wells made out and lying on the table. My friend said, 'You see you are just in time,' and took the appointment of Wells from the table and thrust it into his pocket; at the same time telling me I should never hear any more of it, and that my appointment would be all right. "THOMAS SCOTT.

"Chatham, April 16."

Before I quit this part of the case it is right I should show to the House who Cotsell is. It will be recollected that the decision of the Board of Admiralty was—and I repeat it again in order to show how the orders and decisions of the Board have been infringed—that a man should be taken from the private trade to be Master Smith of Portsmouth dockyard. I know, by the papers laid on the table, no order of the Board appears about the selection of a man from the private trade; but there is this corroboration of Sir Baldwin Walker's statement, that, in point of fact, it was acted upon. He selects a man from the private trade; he hands his name in to the Board of Admiralty; the Board provisionally appoint him on probation, thereby showing they acted up to the intention expressed in August last to the Surveyor of the Navy. Now, it appears that Sir Frederick Smith was a candidate at the last Chatham election. The Committee sat at the Sun Inn. The late Secretary to the Admiralty went there, and he and Sir Frederick both sallied forth to the yard. They went through the smithery and other parts of it, and in the smithery they saw Cotsell, and, as I am informed, and can prove, Cotsell asked the Secretary to the Admiralty for his removal from Chatham to Portsmouth. Whether a promise was made or not, remains to be proved; but if it was made, it was religiously carried out. Cotsell, I shall prove, was an active partisan of Sir Frederick Smith. He attended his meetings, and was the great orator of the evening. The election concluded, and Wells was appointed. It would seem that Cotsell remonstrated, and that he came to the Admiralty. What took place I have already read to the House, and the appointment of Wells was cancelled. I speak of the appointment of Wells, because, although I may admit and will admit that no warrant is in existence, it was as much an appointment, in the honest sense of the term, as anything could possibly have been. I do not deny that Cotsell may have been a good workman; it is not my desire to depreciate his talents or his qualification for the situation; but a man was selected from the private trade, and strong inducements appear to have been held out to cancel the order of the Board, which I look upon as a virtual appointment. Let us see what followed. In consequence of Wells being called away from Portsmouth, four promotions took place. Cotsell, the great orator and supporter of Sir Frederick Smith, was sent from Chatham to Portsmouth. Small, having voted a plumper for the Conservative candidate at Woolwich, was sent from Woolwich to Chatham. Forbes, who was at Sheerness and had friends at Chatham, which friends were voters and memorialised in favour of Forbes, was sent from Sheerness to Woolwich; and Thomas Bailey, an active partisan, who, with his brother, plumped for the Conservative candidate at the last election, was sent from Woolwich to Sheerness. I think I have, then, a right to say this patronage has been used for political purposes. Now let me point out the manner in which the influence of the Admiralty has been exercised in the dockyards, and with this I shall conclude my observations. I refer now to the last paragraph of the notice I have given. I have shown that at Chatham the late Secretary to the Admiralty went round the yard, or a great portion of the yard, with the Conservative candidate. The system pursued by the hon. Gentleman—and a very effective one it has been—was that of standing at the gate of the yard where the men delivered their time tickets, standing with the Conservative candidate, in order—I dare say very properly in his view of the case—that these workmen and artificers shall know what parties are associated with the hon. Gentleman. That took place at Deptford; and I have a letter from Deptford, written by a working man in the yard, which, as I have tested its credibility as far as I can, I shall read to the House. It is dated April 9, 1853, and I have shown it to the hon. Gentleman:—

> "Sir—Your exertions in the House the other night to expose the abuses, jobbing, and trickery of the last election, induce me to furnish you with a few particulars of what took place in the dock and victualling yards here. The facts speak for themselves. Mr. Stafford, the then Secretary of the Admiralty, accompanied by Colonel Green, came here, and introduced his friend, Mr. Peter Rolt, to the officers, who, of course, promised and gave their vote and interest. They then attended at the muster office when all the men returned from dinner, so that they should not be ignorant that Mr. Rolt was the Secretary's special friend. A wink being as good as a nod to a blind horse, the most stupid of us could not misunderstand the motive nor the consequence of our stupidity; even our wives were shrewd enough to advise us to be on the safe side. Admiral Stewart was thrown overboard. Two extra clerks, whose relatives are special friends of Mr. Stafford, were appointed, at 80*l*. a year. King was appointed foreman of millers (he has been only a few years in the service), to the exclusion of good practical men of many years' service and superior education. A miller who supported Mr. Rolt was appointed on the establishment, although he was declared unfit for the service by the medical officer; and Hansom, who was on the establishment, was transferred to the extra list, to make room for Airney. Longhurst, a cooper, was appointed second foreman of coopers at 130*l*. a year; the Board wished him to be made first foreman at 150*l*. a year, but the officers dared to remonstrate, and reported that Longhurst was totally disqualified for want of education, and had been discharged for drunkenness two years ago; he was a strong supporter of Mr. Rolt, and lives opposite Mr. Rolt's father in Deptford. Elder, another friend of Mr. Rolt's, an extra baker, and rated as a labourer, was appointed foreman of storehouses at 85*l*. to the exclusion of leading men of labourers whose right to succession was hitherto acknowledged by the Board. It is not necessary to detail all that occurred in the dockyard and victualling yards to occupy your time further; but any time you are passing the Admiralty, the truth of this statement you can easily verify by stepping in. I hope, therefore, you will support Lord John Russell's new Reform Bill—"

[*Derisive cheers from the Opposition.*] Aye, but what follows? "And disfranchise the whole lot of us" [*Cries of* "Name!" *from the Opposition.*] I cannot give the name at present, but I may tell the House that the writer of the letter is a working man; that I have shown the letter to the hon. Gentleman; that I have done all in my power to test the truth of his statements; and that if it pleases the House to grant me a Committee, every part of that letter shall be inquired into. ["Hear, hear!"] But I shall tell the hon. Gentlemen who are so loud in crying "name," something more than that. I shall go to another dockyard, and hon. Gentlemen, if they choose, may inquire of their own friends whether what I am now going to state be true or not. I find that the Secretary of the Admiralty arrived at Devonport in the *Black Eagle*, on the 21st of June, 1852. The election took place about a fortnight after. On Wednesday, the 22nd, the Secretary of the Admiralty went round the dockyard with the two Conservative candidates, and the party stood together in the muster office while the men deposited their tickets on leaving, so that each man necessarily passed before them. In the evening of the same day the Secretary gave a dinner in one of the hotels of the town, and there were present on that occasion the Conservative candidates, the two chairmen of the Conservative committees at Dover and Stonehouse, two attorneys acting as Conservative electioneering agents, the chairman of the Tory committee at Plymouth, and a storekeeper at Devonport who canvassed for the Tory candidates. Was not this an electioneering dinner? If it was necessary for the Secretary of the Admiralty to make this voyage, and to go over and examine the dockyards. I say it was most especially his duty to do so as a servant of the public, free from political connexions, totally unconnected with political alliances, and merely to look to the management of the dockyards with reference to the public service, and not with reference to political results. Now, let me ask this question—and I hope some answer will be given—are we to find the expense of these voyages and dinners in the public accounts? Are they charged on the contingencies of the Admiralty? I expect an answer to that question. If I do not receive, one I shall certainly ask the Committee, which I hope will be appointed, to examine the hon. Gentleman on that point, and to inquire whether these dinners to Conservative candidates, and Conservative attorneys, and Conservative committeemen, are to be found in the accounts of the Admiralty. If these accounts are to be found in public documents, then that is using public money for political objects, and prostituting the patronage of the public for political purposes. There is another dockyard at Portsmouth, and doubtless the hon. Gentleman thought it was consistent with the due discharge of his public duty that he should have all the men in that establishment also passed before him, and that he should see them deliver their tickets at the gate. No such thing. The hon. Gentleman did not go through this ordeal at Portsmouth for this very sufficient reason, namely, that at Portsmouth there was no contested election. No Conservative candidate stood there, and that is the only solution that I can give of this dereliction of duty, if it was a dereliction of duty, on the part of the hon. Gentleman. The last paper to which I will refer is a circular of the Admiralty, dated the 18th February, 1835, which has reference to the subject now before the House. I presume that at the election which took place in the early part of 1835, after the Whig Ministry had been suddenly and unexpectedly turned out of office during the recess, some proceedings similar to those which characterised the late elections in the dockyards occurred, because I find an order issued by the Admiralty on the 18th July, 1835, after the Whigs were reinstated, which bears the signature of Sir Charles Wood, the then Secretary of the Board. It is addressed to the Admiral Superintendent:—

> "Admiralty, July 18, 1835.
>
> "Sir—Representations having been submitted to the Board of Admiralty of attempts having been made by the officers of the yards to influence the workmen in the exercise of their elective franchise, my Lords, being most desirous that no such interference should take place, but that the men should be left at perfect liberty to give their votes as they may think proper, are pleased to direct that it may be a standing order, the infringement of which will be visited with the highest displeasure of their Lordships, that in any future election for the town or county in or near to which the yard under your superintendence is situated, the exercise direct or indirect of any influence on the part of the superior officers to induce the workmen to vote in any way is to be carefully avoided; and, in order to take further precautions against the appearance of such influence, no canvassing by any candidate, or on the part of any candidate, is to be permitted within the yards, excepting only of such voters as may be resident in the yards. And my Lords further direct, that you take the most effectual means of making this known, both to all the officers and men under your superintendence without loss of time.—I am, Sir, your very humble servant, "C. WOOD."

I think I have now proved, and if the House will grant a Committee I shall be able to prove still further, that this order of the Board of Admiralty, dated 18th of July, 1835, has also been virtually cancelled, not only by a stroke of the pen, but by act and deed. I have now discharged my duty to the best of my ability. I stated at the outset that I did not bring forward this subject from any feeling of personal hostility towards the hon. Gentleman. I assure him I have never entertained any such feeling, and that I have brought forward this subject solely from a sense of public duty. If in the course of the observations which I have addressed to the House, I have let fall any phrase or have given utterance to any epithet or expression calculated to give pain to the hon. Gentleman, or to any other Member of the House, I am sure I did not intend it. If the House shall appoint a Committee to inquire into this subject, and if the report of the Committee and the result of the investigation shall be condemnatory of the administration of the hon. Gentleman, I will regret it as deeply as any Member of this House. I shall be glad indeed to find myself in error, and if in error, to admit that I was in error, and it will be a satisfaction to me to find that under the administration of the hon. Gentleman the influence of that department of the State over which he had control had been properly exercised, and its patronage properly distributed.

SIR GEORGE PECHELL seconded the Motion.

Motion made, and Question proposed—

> "That a Select Committee be appointed to inquire into the circumstances under which a 'Circular sent to the Superintendent of Her Majesty's Dockyards, dated September 26th, 1849,' was cancelled on the 19th day of April, 1852, without any Order or Minute of the Board:
>
> "Also, to inquire into the circumstances under which a Letter addressed by Sir Baldwin Walker to Mr. Stafford, as Secretary to the Admiralty, in which Letter Sir Baldwin Walker tendered his resignation, as Surveyor of the Navy, was withheld from the Board:
>
> "Also, into the circumstances connected with the appointment of Mr. James Wells as master

smith in the dockyard at Portsmouth, the subsequent cancelling thereof, and the appointment of Mr. George Cotsell in his stead:

"And generally into the exercise of the influence and patronage of the Admiralty in the Dockyards and Government Departments connected with the several Parliamentary Boroughs, since the 19th day of April, 1852, at which date a Circular was issued from the Admiralty, signed by the Secretary, cancelling their Lordships' Order of the 26th day of September, 1849, which directs that 'all Reports and Correspondence on the subject of vacancies, promotions, or changes of the Officers and Workmen of the Dockyards, shall be forwarded through the Surveyor's Department;' and ordering that 'in future such Reports and Correspondence be transmitted direct to the Secretary of the Admiralty.'"

Mr. STAFFORD: Whatever, Sir, may be the result of the Motion of the hon. Baronet (Sir B. Hall), I must commence my observations by tendering to him my acknowledgments for the spirit and tone of his speech, and for the courteous and candid communications which he has made to me, during the last few weeks, with reference to the subject now before the House. But having said this much in reference to the hon. Baronet, I must ask the indulgence of the House while I remind them that it will be a somewhat difficult task for me to follow the various details to which the hon. Baronet has adverted; for it is one thing to defend oneself when in office with all the resources of the department at hand, and quite another thing to do so when deprived of access to those official documents and memoranda which are necessary to be referred to in such cases. I hope the House will bear in mind, therefore, that I labour under considerable disadvantages in the present discussion; and that, notwithstanding the kindness of the right hon. Baronet who now holds the office of First Lord of the Admiralty, the minutes and papers which I should have wished to have consulted have not been so accessible to me as they would have been had I remained in office. I may be permitted, without disrespect to the hon. Baronet who has just addressed the House, to alter somewhat the order of the subject which he has brought forward, because I feel there is one point of such great importance to myself—if I may be allowed so to speak—that I must claim the indulgence of the House while I refer to it in the first instance. The hon. Baronet has stated, and stated justly, that it is the privilege of the representatives of the people to ask questions of the Executive Government in reference to the several departments of State; and he says most truly that there is the alternative permitted to the Members of the Executive Government—either to answer at the time, or to claim delay for inquiry. So far from quarrelling with that definition, as laid down by the hon. Baronet, I am prepared to admit its entire accuracy; and although the admission may appear to operate against myself, to go further and say that there is another course open to the officers of the Executive Government—I mean the liberty of making subsequent explanations. I believe the House would not judge very harshly of any Member of Government, however subordinate, who, having made a statement requiring explanation, should come down subsequently and offer that explanation. Well, I accept the statement of the hon. Baronet literally as he has put it. I acknowledge the questions that were put to me in the terms in which he states them; I acknowledge the answers that I gave to those questions; and I acknowledge that subsequently to the answers it was competent for me to have offered any explanation, which explanation I did not offer, and which explanation I never once thought of offering. Perhaps I may be permitted to lay before the House a statement of the circumstances to which the hon. Baronet has adverted, and which I believe, so far as I was concerned, great as is the importance which has subsequently been attached to them, did not in their occurrence occupy one hour. When Secretary of the Admiralty, it was my practice to go to the Duke of Northumberland, the First Lord, every morning, with such papers as I thought of importance for his perusal and consideration. On the morning of the 26th of April, 1852, the Duke of Northumberland told me that the Surveyor of the Navy was exceedingly annoyed at the circular which had been issued on the 19th, and thought a stigma had been cast upon his character by the issuing of that circular. The Duke added that he did not believe the Surveyor of the Navy would remain in his situation unless that supposed stigma or imputation was removed. I immediately said that nothing could be easier than to remove the imputation, if any existed; that we could easily issue another circular, and that another circular should, if I had the permission of the Board, be issued that very day. The Duke said I had better see Admiral Parker and Sir Baldwin Walker. I replied that I would go and see them instantly. When I returned to my office I drew a rough draft of the circular, which was subsequently issued. Regarding my interview with Admiral Parker and Sir Baldwin Walker, I will read to the House a portion of a letter from the former, not written to me, but to a gallant officer, a mutual friend of the Admiral and of my own. When I saw the letter first, it so completely tallied with my own recollection of the circumstances that I requested the gallant gentleman to whom I have referred, to ask permission for me, from Admiral Parker, to make use of it in this discussion. I obtained the permission sought, and the following is the letter alluded to:—

> "Castle Malwood, April 11, 1853.
>
> "I saw Mr. Stafford in the presence of Sir Baldwin Walker, and Mr. Stafford stated to him that he had not any intention, by the circular sent to the dockyards, of casting any reflection upon the Surveyor. I think Mr. Stafford brought with him a written memorandum, which he read, and Walker made some objection to a part of it, which, I think, Mr. Stafford altered. This memorandum was afterwards sent to the dockyards. Walker appeared satisfied, and I then considered it settled, and destroyed Sir Baldwin Walker's letter. This, I believe, is the whole case.—Yours very truly,
>
> "HYDE PARKER."

Now, the hon. Baronet (Sir B. Hall) has asked me whether I ever saw the letter of Sir Baldwin Walker. I am not going to shrink from that question. According to the best of my belief, I never did see that letter; I never knew it was addressed to myself; and dates being important, I beg to call the attention of the House to an unconscious corroboration of what I now state, on the part of the Surveyor of the Navy himself. What said the Surveyor of the Navy? It would be seen by reference to the evidence on the Chatham election petition (Questions 3,450 to 3,459) that the last time the Surveyor saw his letter was on the 22nd, whereas the interview took place on the 26th:—

> "By Mr. Serjeant Kinglake: You say, although you addressed a letter, it was not brought before the Board?
>
> "Sir B. Walker: I discovered afterwards that it had not been brought before the Board; the letter was on the 21st of April, 1852. A further explanation is necessary on my part; it was delivered to the senior naval Lord of the Admiralty, addressed to the Secretary.
>
> "By Mr. Merewether: Did you deliver it?—Yes, I did. I wish to add, I discovered, some months afterwards, that it had not been brought before the Board.
>
> "By Mr. Serjeant Kinglake: Do you know what became of the letter after you had delivered it to the senior naval Lord of the Admiralty?—I do not.
>
> "Did you see it at all afterwards?—I saw it in his hand the day afterwards.
>
> "In whose hand?—The senior naval Lord's.
>
> "Who was the senior naval Lord at the time?—Admiral Hyde Parker."

The second circular was submitted to and amended by Sir Baldwin Walker, but I really forget now what the verbal alterations were which he introduced. The circular was couched in the following terms:—

> "Admiralty, April 26, 1852.
>
> "Misconstruction having arisen with reference to their Lordships' circular issued on the 19th instant, I am to acquaint you that no imputation is intended to be cast thereby upon the Surveyor of the Navy. The arrangements with regard to the dockyard promotions as laid down by their Lordships' circular of 27th February, 1847, will be strictly adhered to, and they deem it desirable to revert to the system then in force of having all communications on the subject addressed to this office in the first instance.
>
> "By command of their Lordships,
> (Signed) "AUGUSTUS STAFFORD.
>
> "To the Superintendents of the Dockyards at Deptford, Woolwich, Sheerness, Chatham, Portsmouth, Devonport, and Pembroke."

Time went on, the pressure of business was very great, and I can truly say I forgot all about the matter. Spring went, summer came, and autumn was fast going on, when, in the month of November, I received a note from an hon. and gallant Gentleman opposite, stating that a question was going to be asked of me in reference to a correspondence on the subject of the resignation of the Surveyor of the Navy. I had correspondence with the Surveyor, in which I told him that his letters were nowhere to be found in Whitehall. I asked him whether they might not be in Somerset House, and he informed me that they could not be found there. I had made search for them in the Record-office, at Whitehall, but without success; and the clerks, of whose ability and integrity I never had and never shall have the slightest doubt, had told me they knew nothing of communications made by the Surveyor of the Navy. In short, I could obtain no information about the correspondence whatever in the Record-office of the Admiralty, and I therefore returned a negative to the question which the hon. Baronet (Sir B. Hall) has referred to more than once this evening. I could not have returned any other answer, because even if the Surveyor of the Navy had tendered his resignation and then withdrawn it, there must have been a correspondence on the subject in the Record-office. But there was no such correspondence. It may appear that the person most implicated in this matter is Admiral Parker; but those who know the distinguished position, the nice sense of honour, and the straightforward character of Admiral Parker, do not need to be told that if I had made an erroneous or incorrect statement on a subject with which he was so much connected, he would not have given me instructions to come down to the House and make an explanation. Admiral Parker knew very well that the Surveyor of the Navy delivered his letter to him because he considered him as a friend—because he was the senior naval Lord—who might exercise his own discretion as to the expediency of bringing the communication forward or keeping it back. In the exercise of that discretion he did not send the letter to the office, or submit it to the Board, but destroyed it, and so the resignation of Sir Baldwin Walker was never heard of. But that is not all. On the 25th of November the Surveyor wrote a formal official letter to the Board, which he did not send to the senior naval Lord, but addressed to myself in the usual way, so that it might be brought as a matter of course before the Board. The letter was to the following effect:—

"Somerset House, Nov. 25, 1852.

"Sir—Having observed in the public papers that the Secretary of the Admiralty is reported to have stated in the House of Commons, on the evening of the 23rd instant, in reply to certain questions asked by Admiral Berkeley and Sir George Pechell, that there was no correspondence with the Surveyor of the Navy on the subject of the promotions in the dockyards, and also that the Surveyor of the Navy had not tendered his resignation, I desire, through you, to call the attention of my Lords the Commissioners of the Admiralty to letters from me, bearing date the 21st of April and the 10th of May last.—I have, &c.,

(Signed) "B. W. Walker,
Surveyor of the Navy.

"Augustus Stafford, Esq., M.P., &c.
Secretary of the Admiralty."

I returned the following answer:—

"Admiralty, Nov. 26, 1852.

"With reference to your letter of the 25th instant, I am to acquaint you that your letters of the 21st of April and 10th of May, referred to by you, do not appear to have reached the Record department of this office, and my Lords therefore request you will transmit copies of these letters.

"By command of their Lordships,
(Signed) "A. Stafford.

"Surveyor of the Navy."

Three days after I received the following letter:—

"Somerset House, Nov. 29, 1852.

"Sir—With reference to your letter of the 26th instant, I beg to acquaint you that since my communication of the 25th instant, I have been informed that my letter of the 21st of April, addressed to the Secretary of the Admiralty, which was delivered to Vice-Admiral Hyde Parker, was not brought before the Board; and with reference to the letter of the 10th of May, it was a communication addressed to the First Lord of the Admiralty, and not to the Secretary.—I have, &c.,

(Signed) "B. W. Walker.

"Augustus Stafford, Esq., M.P., &c.,
Secretary of the Admiralty."

Now, a great deal has been said about this transaction; but I really think the circumstances are very simple. The Surveyor of the Navy cannot be supposed to be acquainted with the routine of the Record department, and it is not surprising, therefore, that he should not know that his letter of resignation had never been submitted to the Board of Admiralty, and consequently was not to be found in the archives of the office. I made diligent search for it, but could not find it, and so stated most distinctly that there was no such letter. I do not see how I could have acted otherwise than I did, or have taken a more straightforward course. I have nothing to conceal, however much has been made of this transaction. I thought the matter was settled, as Admiral Parker phrases it, and it almost escaped from my recollection. When the subject of Sir Baldwin Walker's letter of resignation was mooted in the Chatham Election Committee, I thought the most simple way of ending the discussion would be to move for the correspondence on the subject, and to lay it on the table of the House. There was nothing I had to conceal or to explain, and I was sure that the correspondence which was to be laid on the table would explain itself. Well, the hon. and gallant Gentleman the Member for Brighton (Sir G. Pechell) moved an amendment, or an addition, I can hardly say which—

Sir GEORGE PECHELL: A proviso.

Mr. STAFFORD: No, not a proviso. It was as follows:—

"And in case such correspondence shall not be in the office, that the Surveyor shall be directed to furnish copies of any letter or letters addressed by him to the Secretary or the First Lord of the Admiralty on such subject."

I will now read to the House a private letter which I addressed to the Surveyor of the Navy on the subject of dockyard promotions. Although it is extremely disagreeable to me to read private letters, yet I find I must submit the contents of this one to the House, because the public letter written in answer to it by the person to whom it is addressed has been published, and, in justice to myself, the whole correspondence should be read together. The letter, which runs as follows, was marked, "private and confidential":—

"Admiralty, April 2, 1852.

"Dear Sir Baldwin—I find that great dissatisfaction exists among my political friends as to the present arrangement of appointments and promotions in the dockyards, and there is a very general impression that all these things are dispensed among our political opponents, insomuch that there seems no alterative but to resume the system which existed previous to September, 1849. I need not tell you that no one considers the blame—if blame there be—to rest with you; but you are thought too far removed from politics altogether to understand the small intrigues which go on in these places. For myself, I hate the notion of patronage altogether, and a change of the existing arrangements would only expose me to perpetual annoyance and trouble; but in any case your wishes would always have great weight with me; and in the perfect frankness with which I now state the case and ask your opinion, I hope you will perceive the sincere respect with which I remain, dear Sir Baldwin, truly yours,

"A. Stafford."

Now, that letter might be right or it might be wrong; but I confess I did not expect when I wrote it, especially as I had previously received a private letter from the Surveyor, that the answer would contain an announcement of his resignation; and I do admit that I read with surprise that letter when it was laid on the table of this House. And now permit me to say, referring to the next letter, that I think it was left to the discretion of the First Naval Lord either to submit Sir Baldwin's letter to the Board or not, as he pleased. When it is remembered that the First Lord of the Admiralty is a member of the Cabinet, while the other members of the Board are not so—that he carries on an important correspondence with the commanders-in-chief on foreign stations, and other authorities, I think the House will see the necessity of the First Naval Lord having the power of treating the letters he receives either as public or private documents. Sometimes the First Lord hands the letters to the Secretary, and then they are read to the Board. Sometimes he retains possession of them altogether; and sometimes, I believe, he transmits them to his successor. But this is a matter of such great delicacy and importance, that I must be excused for declining to say more on the subject. What answer may have been made to Sir Baldwin Walker's letter I know not. The Duke of Northumberland, by not bringing it before the Board, treated it as a private letter, and it was consequently not referred to the Record department of the Admiralty; and I have to say, that his Grace's astonishment was very great when, his consent to the publication of this letter having been not granted or even asked, the first time he saw it was in the public newspapers. Now, the House would see the extreme difficulty of carrying on the public business of the country, if a system like this is to be tolerated. Here is a letter published alone, which may probably have been, for anything I know to the contrary, answered either verbally or by a written communication. I trust I have now disposed of the letter part of the question to the satisfaction of the House; and I do not consider myself open to the grave charge of stating what was not the fact. I will now go to the first question to which the hon. Baronet called attention. The hon. Baronet proposes "to inquire into the circumstances under which a Circular, sent to the Superintendent of Her Majesty's Dockyards, dated September 26, 1849, was cancelled on the 19th April, 1852, without any Order or Minute of the Board." On looking over the Board Minute Book, I found that the Circular in question was not inserted there, and therefore I acted in strict accordance with precedent when I put the resolution cancelling it in the General Minute Book. The hon. Baronet may think that the previous Board were unwise in issuing so important a Circular without making it a Board Minute, and may also consider that it would have been better if the late Board had given more authority to their cancelling order, by giving it the force of a Board Minute. The hon. Baronet, in alluding to my having signed the order by their Lordships' commands, said that I was new to official life; but I beg to inform the hon. Baronet, who appears to imagine that I have done what I was not empowered to do, that the Secretary of the Admiralty is the servant of the Board, and that his duty is to carry out their orders. At the same time I may remind the hon. Baronet, that, although in strict compliance with precedent, the Circular of the 19th of April was placed simply in the General Minute Book, and not in the Board Minute Book, yet on the 26th of April it was reaffirmed by the Board Minute, thereby receiving, as it were, a double guarantee. The members of the Board present on the 26th of April, when the Circular was issued, were, the Duke of Northumberland, Admiral Hyde Parker, Sir Thomas Herbert, Captain Duncombe, and Captain Milne. I think, therefore, that the charge of my having issued the Circular in question without the knowledge of the Board must fall to the ground. As to the propriety of cancelling the Circular of 1849, I trust the House will hear me and then judge for itself. While the present Sir Henry Ward held the office of Secretary to the Admiralty, the regulation was found to work well enough under his vigorous administration; but when he retired, the Secretaryship fell into gentler hands; he was succeeded by Mr. John Parker, and the case became quite altered. At that time there was an inclination to take from the Secretary to the Admiralty a power which, until that time, he had always exercised. I am about to read some statements on this subject to the House, and I must say that I think the hon. Baronet is quite right in not naming his correspondents, because every one who knows anything of dockyards must be aware of the hot water into which people get who make these communications. I will read two out of innumerable letters, and not the worst cases that have been brought under my notice. The first is to the following effect:—

"When the Whigs, in 1848, began to feel their power declining, they thought it necessary to fall on some plan for continuing a system which would, even if they retired from office, still leave the dockyard patronage in their grasp. The commencement of that system had stuffed every hole and corner in the yards with Whig officials and underlings, and during twenty years these worthies had managed to exclude from entry or promotion all parties who would not support the Whig interests. It became necessary to vest all recommendations with dockyard authorities, the channel for which was the Surveyor of the Navy—and thus erect a formidable *chevaux de frise* round their position. This order, framed with an apparent design of securing the avenue to employment, and promotion to ability, merit, and service, was, notwithstanding all its pretence and flummery, in reality a document enabling the parties to carry on a system which had long grown up into a crying evil and public scandal. So notorious were the channels of dockyard patronage, that it is said, and I believe with perfect truth, that a sort of tariff had been laid down as to the prices of various appointments; any person desirous of entry or promotion went to certain parties and offered to bet the tariff regulations that he would not succeed. The bet, if the thing was feasible, was accepted, and the unlucky applicant was always sure to lose his bet, and honourably paid it."

I have here a letter from a dockyard which I will not mention, and from a person who, I am well assured, is trustworthy:—

"Political party feeling is very strong in this dockyard, and the heads of departments being all Liberals, with few exceptions, the Conservatives have no hope either of promotion or fair play. Men who are well qualified for promotion by length of service, good conduct, and superior workmanship, have had for years fresh hands put over their heads, solely, it is believed, on account of their Conservative principles. To instance more particularly, in the case of ——. Mr. ——, being a Liberal, shows the greatest partiality in the distribution of work; the Conservatives being invariably put to the worst of the work. Is one party required afloat and another ashore? The Tory leading man, Mr. ——, is sent afloat, while the other is kept in the yard, and in the distribution of work on shipboard the Conservatives are appointed to cockpit work, while the Liberals have the cabin and stern work; and in every case where it can be done, there is a marked preference given to men professing Liberal opinions. In the case of an appointment lately of an artificer from this yard to superintend a new machine at another yard, it was promised to A, and he made preparations for moving, but having voted for the Conservatives at the last election, B was appointed over his head, without any notice. On the appointment of B becoming known, there was a general cheer by the workmen of his party, Mr. —— saying to the Conservatives, 'What do you think of it now? You had it all your own way while your own party was in power; we have got our own way now, and we mean to keep it too.'"

Sir, it was not the case that any alteration of the dockyard regulations was really intended by the late Board; but it was perpetually repeated to us that the working of the system, as it was now enforced, was not to make appointments to the dockyards non-political, but to make them one-sided—a system where the Conservatives got nothing, and where the Liberals got every thing—an extremely convenient arrangement, no doubt, for hon. Members opposite. But then let them say so at once, and not stand up for purity and impartiality when, the purity and impartiality, like Irish reciprocity, is all on one side. I find that the present right hon. Secretary at War (Mr. S. Herbert) when he was Secretary at the Admiralty, always corresponded direct with the superintendents of the yards. I find that the right hon. President of the Board of Control (Sir C. Wood), when he was Secretary of the Admiralty, did the same. I find that the right hon. Gentleman the Member for Tyrone (Mr. Corry), when he was Secretary for the Admiralty, did the same. I could not see what *primâ facie* case there existed against these superintendents of the yards, that all communications between them and the Secretary of the Admiralty should be completely choked up now as it never was before 1840, and I was determined to make inquiry how the matter stood. Now, on looking to the dockyard instructions, I found that the case was very clear. They do not shrink—they expressly direct that all communications should be made directly from the Admiral Superintendent to the Secretary of the Admiralty. The following is an extract from the instructions issued 1st of January 1844, which bears the signature of "Sidney Herbert":—

> "All reports from the officers of the yard shall be made and transmitted, when necessary, by the superintendent to our Secretary for our information and direction. Superintendent, you are daily to correspond with our secretary, acquainting him with the transactions of the yard, &c. You are to report all vacancies, without exception, that occur in the dockyard; and when any vacancies, occasioned by promotion or otherwise, shall occur, you are, after consulting the officer in whose department such vacancy may happen, to forward to the Admiralty the names of persons belonging to the yard fit, from ability and character, to succeed to the vacancy; but no person whatever is to be promoted or entered on the establishment of the yard in any vacancy or otherwise, as office clerk, artificer, or labourer, without our express authority."

In short, the whole is founded upon the supposition that reports of all vacancies are to be forwarded direct to the Admiralty. As far as concerns taking political precedents and authorities for what I did at the Admiralty, I frankly own that I most studied the suggestions contained in the evidence that was given before the Committee on the Navy Estimates, by the late Lord Auckland and Sir Henry Ward; and I say that nobody who wishes to get a thorough knowledge of the work that is done at the Admiralty should omit to read the valuable evidence given by the noble Lord and the hon. Gentleman. I do not know anything—whether we regard the power of comprehension, the masterly style of explanation, and the complete grasp of detail, together with a calm and impartial spirit running through every word—in all these respects I do not know anything superior to the evidence given by Sir Henry Ward and the late Lord Auckland. Lord Auckland, who appointed the present Surveyor of the Navy, stated that it was his wish to draw out a draft of instructions defining his office. I will quote the words of the noble Lord, in answer to a question of the right hon. Baronet opposite (Sir J. Graham), on the 8th of May, 1848:—

> "Are the miscellaneous estimates of the present year laid on the table of the House of Commons?—I am told not. I have now got a draft with regard to the office of Surveyor of the Navy, which I will put in. My wish has been that Sir B. Walker should know his office well before we absolutely settle his establishment. But this expresses the view I take of what it ought to be. I think it will meet his views, and I hope it will meet the views of the authorities by which it may be sanctioned."

Mr. Stafford

Now here is an extract from that draft, in which he says—

> "In all professional details of matters connected with his duties, in requiring information or explanation on professional points, the Surveyor will be at liberty to correspond with the officers of the yards; but he is not to issue any orders of a general nature, or to enter upon any part of the general correspondence with the superintendents of the yards."

Lord Auckland states in this letter of instructions that there must be a reconstruction of the office of Surveyor of the Navy; but it must be evident that this reconstruction was effected in a manner which did not prevent the Secretary's correspondence with the dockyards, or there would have been no necessity for that Circular, though no one who reads this letter, or the evidence of Lord Auckland and Sir Henry Ward, can imagine that the subject itself escaped their attention. It seems to me that all through it is taken for granted that the superintendents of the yards—men of high sense of honour, and holding important offices—are to communicate directly with the Secretary of the Admiralty. Thus sanctioned, then, and finding that every Secretary of the Admiralty but one, and he only for two years, had corresponded with the superintendents of the different yards, I did venture to suggest to Sir Baldwin Walker that we should prefer that the superintendents of the yards should correspond with us rather than with him. I ventured to suggest to the Board, with great respect to the right hon. Baronet the Member for Portsmouth (Sir F. Baring) that they might prefer the authority of Lord Auckland to that of the right hon. Gentleman, and, in fact, to replace the Surveyor in the precise position in which he was placed by Lord Auckland. The hon. Baronet (Sir B. Hall) says that the late Board of Admiralty wished to lay the whole responsibility of these appointments upon the Surveyor of the Navy. Sir, I question the wisdom of that arrangement. I question whether it is not better, though it tells now to my own disadvantage, that the sole responsibility should be with the Secretary of the Admiralty, and that he should be liable to be called upon to explain as far as possible every appointment, to the lowest, than that he should get up and say, in answer to questions why this or that man was appointed—I know nothing of the matter—the responsibility rests with the Surveyor of the Navy, and not with me. Sir, I do not shrink from the responsibility, nor do I at all regret that I relieved, what is certainly already an overworked office, from additional duties, for which, from its composition, it is not qualified, the discharge of which is contrary to all precedent, and contrary to the instructions which were issued by Lord Auckland at first. Now I shall venture to go into the letter, which seems to have been both private and public, addressed by Sir Baldwin Walker to the Duke of Northumberland. The letter has been already read; but although I am unwilling to weary the House, perhaps I had better read it over again than seem to avoid any of the charges that have been brought against me. He begins by saying—

> "Somerset House, May 10, 1852.
>
> "My Lord Duke—I feel that I should be neglecting my duty were I not to point out to your Grace the evil system of my position as Surveyor of the Navy, but also with reference to the appointments and promotions in the dockyards."

I had hoped that the position of the Surveyor of the Navy was explained by the Circular of April, and that he was satisfied—

> "Your Grace is aware that the Secretary of the Admiralty thought proper to cancel, without the knowledge of the Board, their Lordships' Circular of 29th September, 1849, which directs that all papers respecting promotions and vacancies in the dockyards should be sent through the Surveyor to their Lordships. This order of 1849 was only reverting to a system which had always been in force prior to 1845, and which was then discontinued, I have reason to believe, on personal grounds."

It is difficult for me to understand how the Surveyor should say that this was done without the knowledge of the Board, when the Circular itself bore that it was by command of the Board. Nor do I know to what he refers when he says that the system was in force prior to 1845, and was then only abolished on personal grounds. At that time the Earl of Haddington was First Lord of the Admiralty, and the right hon. Member for Tyrone (Mr. Corry) was Secretary, and the statement appears to me to involve a grave charge with respect to them. He then goes on to say—

> "The abolition of a system which was found to work well for upwards of three years, causing an annual saving of 130,000*l.* in the wages of the artificers of the dockyards, independent of upwards of 60,000*l.* in the steam factories, without impairing the efficiency of those establishments, must be prejudicial to the public interest, and has tended much to lower the position of the Surveyor."

I do not see how this "lowers the position of the Surveyor," nor can I understand the extraordinary figures which he has here set down; but this I say, that the Circular in question was issued while the Estimates framed by our predecessors were acted upon by us. The Estimates framed in 1852 were 626,931*l.*, while the Estimates framed in 1851 were 636,417*l.*, thus showing a saving of 9,486*l.* over the year when the Circular of 1849 was in full efficiency. This much is certain, that at the time when the late Board went out of office, the rates of the expenditure of dockyard wages were rigidly watched. I took upon myself to correspond with the dockyards whenever the rates of wages appeared to me to be in excess; as, for instance, at Pembroke, where the large vessel, the *Duke of Wellington*, was building. I found the wages had risen very high, and I wrote to know the cause, when I was answered that the excess at Pembroke would be balanced by a reduction at Devonport, whence a number of artificers had gone to expedite the building of the *Duke of Wellington.* I say, then, that far from proving injurious, this change will involve no difference to the public service. There was no difference in the Estimates for wages in consequence of such cancelling, and no injury to the country. As to the steam department, that is still left in the hands of the Surveyor of the Navy; it has never been interfered with at all, and if the House choose to refer to the matter I could refer to whole bales of correspondence where I have sanctioned the Surveyor's arrangements without bringing them before the Board at all, because I felt that on this matter he was the best authority. Sir Baldwin Walker proceeds to say—

> "Now there is no one to control the establishments, and the Surveyor can no longer be held responsible for the Estimates not being exceeded, nor can he be answerable for the efficiency of those establishments; for the Board's admirable Circular of February, 1847, which directs that all advancement in the dockyards shall be for merit alone, has been virtually thrown aside—vacancies have been filled up which were not necessary, and men advanced, not for merit, but by political influence; and in one instance a person has been promoted who is not competent to fill the situation to which he has been appointed; and that was done without any reference having been made to the superintendent of the yard."

Sir, I do not want the Surveyor to be responsible, if the Estimates are exceeded. I believe it is far better that those who are responsible for the Estimates should be in this House, and I hope that no future Secretary or First Lord will ever surrender those Estimates to the Surveyor of the Navy, or admit that he is the person who is responsible to this House for the financial details of this gigantic establishment. When the Surveyor says that there is no one to control the establishments, I totally and entirely disagree with him. There are persons who control the establishments. There are the Admiral Superintendents, the Commodore Superintendents, the Captain Superintendents, in the yards; and I know enough of these gentlemen, as men of business—as men having the welfare of the institution at heart, to know that they both can and will control the establishments ; and, far from agreeing with the Surveyor of the Navy, I can wish no better luck to these establishments—apart from all party feeling—than that they may be long presided over by men who, in spite of what the Surveyor says, both can and do effectually control the establishments. The letter then proceeds :—

> " Having stated thus much, I think it right to inform your Grace that I attribute the inconsiderate manner in which I have been put aside by the Secretary of the Admiralty to my unqualified refusal to depart from their Lordships' Circular of February, 1847, by lending myself to recommend men for advancement on political grounds."

Now, considering that this Circular was first issued on the 26th of April, and that on the 10th of May the Board announced their determination rigidly to adhere to the Circular issued in 1847, it does seem a little premature in the Surveyor of the Navy to say that the Circular of 1847 was to be thrown aside. There were no proofs of the allegations offered here—whether he offered any in conversation with the First Lord of the Admiralty I do not know; for this constitutes one of the great difficulties of meeting the case. The hon. Member for Marylebone (Sir B. Hall) has named six or seven people to whom he considered that appointments had been unfairly given. He gave me the names, and, through the kindness of the right hon. Gentleman the First Lord of the Admiralty, I have examined into some of them. With regard to these that were referred to by his correspondent from Devonport, I have to say that that correspondent can no more be a judge of the sort of men that should be entered in the dockyards, or of the reason why more men are entered in one month than another, than the hon. Member for Marylebone himself. There may have been a greater number of names entered in consequence of fewer having been entered in previous months; but this I know, that none have been entered without the sanction of the Commodore Superintendent; and Commodore Seymour would never have sanctioned the appointment of more men than was necessary, neither could it have been possible to go on with such appointments without exceeding the Estimates for the year. As a proof of the way in which the arrangements work, I may mention, that recently, at Woolwich, Commodore Eden, finding that twelve boys were wanted in the dockyard, entered them upon his own responsibility. I had sent the Commodore the names of twelve boys; he rejected eleven of them, and entered only one. Here, however, twelve names were entered in the yard; the lists were swelled by that proportion, and it might be said that this was a political job. I can only say that, in conversation with Commodore Eden upon this very subject, he stated to me, with true sailorlike frankness, " I have my own political opinions, but I know nothing of politics in the yard; but this I know, that if you send me unfit men, I shall chuck them neck and heels into the street." And I believe that every other Commodore Superintendent would have done the same thing; and I consider that I should be acting dishonestly if, after the communication I have had with these gentlemen, in the most frank and friendly spirit, I did not now state that I believe they would not have stood by if I had attempted to perpetrate a political job in their department, but that they would have sent remonstrances to the Board exonerating themselves from the responsibility. But what are the broad circumstances of the case ? Not one of them sent any such communication to the Board. I have held correspondence and communication of the most friendly and confidential nature, with regard to some of these appointments. Some of the cases I recommended they objected to, and I yielded. On other cases they said that the Circular of 1847, recommending that length of service should have priority of promotion, would not meet the circumstances of some particular case, because it would be for the interest of the service to promote the third or fourth man rather than the first or second: it must be plain to the House that no formal resolution can supply the place of confidential communications. In one of those cases (Ridgway's) which the hon. Baronet has named, the Commodore wrote to say that, in his opinion, the man was not competent for the situation. I wrote back for them to give him a trial, before I could sanction the ruinous principle of interfering with private trades. They did try the man, and I presume that the trial was satisfactory, for I heard no more of his incompetency. I shall now come to the case of Longhurst. One man was named in preference to him, who had been in the yard for thirteen years, and another who had been fourteen years, and both of them, I have no doubt, were adequate to fill the situation referred to; but when I came to ask the period of Longhurst's services I found that he had been in the yard for seventeen years. The man was discharged in August, 1849, along with another, for having been found drunk; but in consequence of the high character he received from the master shipwright, he was restored on the 5th of October, just five weeks after the commission of the offence. The police report, with respect to his drunkenness, stated that he and another

> "were brought before the master attendant intoxicated, through taking, it appeared, some of the contractor's rum, about 40 cent above proof, under delivery, and they were ordered to be discharged. The master shipwright having stated these men to be of excellent character, and that they did not neglect their duty on this occasion above a minute, he was directed to reprimand them, with a caution for the future."

Five weeks' dismissal and a reprimand seemed sufficient punishment, and the man was restored. I did not think that enough to disentitle him to the office of second foreman, which he had otherwise earned by his long services. Another case was that of a man who, though a labourer, was the son of a gentleman, a naval officer; what I did was, to recommend the superintendent to give him a little lift if he saw fit. Then there was the case of the miller, to whom the hon. Gentleman (Sir B. Hall) alluded as having been appointed to the office of miller in Deptford, though he was reported to be incapable of holding the situation. The surgeon of the establishment did certainly pronounce that this man was labouring under a disease which unfitted him for the office; another surgeon pronounced him to be in perfect health. I desired him to call at Somerset House and see Dr. Bryson, the assistant physician general to the Navy. Dr. Bryson examined the man, and gave his opinion that he was in good health, and perfectly competent to take the office of miller. I then desired that the man might be tried in the office, and I believe that he is now giving perfect satisfaction. I do not think, therefore, that I have much to charge myself with in regard to this appointment. Of course I know not what other allegations hon. Gentlemen may bring against me after I sit down; but, with regard to these, I think I have fairly met them. I now come to the case of Cotsell. The hon. Baronet (Sir B. Hall) stated to me yesterday that he was going to bring down to the House the paper which he has read to-day, and that he would let me see it yesterday evening. Sir, I went away in the evening, for I confess I did not wish to see it. The hon. Baronet did me the favour to offer to show it me before he brought it forward. I said he might use his discretion whether he would bring it forward or not, but that I did not wish to see it. That deposition, which is signed by a relieving officer of the name of Scott, who lives at Chatham, has nothing whatever to do with me personally, as I believe, it does not say that Cotsell saw me when he came to London.

Sir BENJAMIN HALL: I have parted with the paper, and have not got it at this moment; but it stated that after Cotsell got the appointment, he said, now that the election was over, he did not mind telling how it occurred; that Mr. Stafford promised him the appointment; that he came up to the Admiralty and saw a friend of his there; that Wells's appointment was lying on the table; that Atkinson said he thought himself hardly dealt with, and, thereupon, the appointment was put aside, and the gentleman said there would be no more heard of it.

Mr. STAFFORD: The hon. Gentleman said that the election was then over. Yes, but the election petition was not over. Why was not this paper laid before the Election Committee? Here I find the name of Cotsell entered in a double capacity, both as a briber and as bribed, and the person who bribed him is entered as the Secretary of the Admiralty. [*Laughter from Sir G. Pechell.*] Yes, let the hon. and gallant Gentleman laugh if he chooses. I have no doubt that the case affords matter of diversion to such minds as his. I say that those who charged Cotsell with bribery, and charged me with bribing him, had the opportunity, if they chose—if they had the manliness and courage to bring this charge forward—they had the opportunity to do so before one of the constituted tribunals of the country—they might have put myself and Cotsell upon oath, where we must either have stated the truth, or risked the penalties of perjury; but they never did either the one or the other, and now at the latest moment, at the eleventh hour, when it is impossible for me to communicate with Cotsell, then the relieving officer comes forward and brings a charge which, I say, amounts to nothing more than to show how closely the eyes of enmity have watched my progress—how eagerly they have sought for word or action of mine which would not bear the severest scrutiny. I say, no more than that it proves to the House. The hon. Member (Sir B. Hall) says that Cotsell asked me to promote or to change him from Chatham to Portsmouth; and so he did, but previously to this he had sent a memorial to the Admiralty upon the subject. Mr. Cotsell was perfectly at liberty, when he saw any Lord of the Admiralty, or the Secretary to the Admiralty, to communicate with him. Mr. Cotsell named the matter to me, hoped I would do all in my power to forward his application; and I, as I would have done in any other case, said I would give the matter my best consideration. I now come to the letter of the 9th September, 1852—the letter of the Surveyor of the Navy—in which he says—

> "With reference to the accompanying letter from the Admiral Superintendent at Portsmouth, and to their Lordships' decision that an experienced master shall be appointed to Portsmouth yard, from the private trade, I beg to state that Mr. James Wells, who is in his thirty-seventh year, has been recommended to me as being well qualified for the charge of a smithery."

Now, the appointment of a master smith from the private trade, is, whether right or wrong, a transaction of great magnitude and importance. Two essential ingredients are necessary to such an appointment. The first is to prove the inferiority of those in the dockyards who stand next; and, from the private trade superior attainments on the part of the person selected; for instance, though Mr. Cotsell might have been inferior, it did not follow that Mr. Wells was first-rate. In the Memorial of the 16th of October, 1852, the Surveyor says, referring to a decision of the Board in August last—

> "I received an order from the Admiralty to select the best man for this appointment. I merely obeyed my orders to select the person best qualified. I am not aware that I have departed from the ordinary course."

When I came to inquire about the order on which so much stress has been laid, I was utterly unable to find it. I moved for it in the returns, and the Board of Admiralty wrote to this effect:—

> "With reference to the papers moved by Mr. Stafford, as to the decision of the Board in August last, as to the filling up the vacancy of master smith at Portsmouth, I have to acquaint you that such decision does not appear in this office. In directing me to supply a copy of the order, I beg to acquaint you that there is no official document on the subject in the office."

Therefore we find at the commencement that there is no authority at all on the subject. The Surveyor says—

> "James Wells, who is in his thirty-seventh year, has been very strongly recommended as being well qualified for the charge of a smithery; and I therefore submit that he be appointed master smith at Portsmouth Yard in the present vacancy, and that, as in the case of Messrs. Black and Ainslie, appointed respectively to Woolwich and Devonport Yards under similar circumstances, he be entered on probation for six months, to be paid at the rate of 200*l.* a year, with the understanding that if, at the expiration of that period, his conduct and abilities should be found to be perfectly satisfactory, he shall be appointed master smith at the full salary of 250*l.* a year."

As I did not return from the Mediterranean until the 25th of September, I can take no further share of official responsibility than to assume the act of one official to be the act of another; and I am willing to admit that three letters—to the Admiral at Portsmouth, to the Accountant General, to the Surveyor of the Navy, were issued, and that the Board of Admiralty subsequently changed their mind. They may have been right, or they may have been wrong in so doing; but such changes are not unprecedented in higher quarters; for the youngest Member of this House must remember that on one particular occasion, when the Government this Session brought forward a measure containing three clauses, which received the sanction of the House on the second reading of the Bill, they subsequently thought fit to withdraw one most important clause. It might have been right or it might have been wrong to appoint Mr. Wells; but there was no information before the Board to lead them to believe that they had injured Mr. Wells. Every one who is appointed to an office like this receives from the Board of Admiralty two communications—one stating that he is appointed, and is to go and take up his warrant, and the other includes the warrant to the superintendent, to be given to him on his arrival. The following letter, dated 10th September, 1852, was addressed to the Admiral Superintendent at Portsmouth:—

> "My Lords have been pleased to appoint Mr. James Wells to be master smith at Portsmouth Dockyard. He is to be entered on probation for six months, and to be paid at the rate of 200*l.* a year, with the understanding that if, at the expiration of that period, his conduct and abilities shall be found to be perfectly satisfactory, he will be confirmed as master smith, at the full salary of 250*l.* per annum."

The letter to the Surveyor of the Navy was in the same terms. The hon. Baronet says the warrant was stopped. Most truly it was stopped. That is to say, it did not issue, because the Board were anxious to give the matter further consideration before confirming the appointment. But when they sent the letters to the Admiral Superintendent and to the Surveyor of the Navy, they knew that it was not the business of these officers to communicate with Mr. Wells. It was discovered subsequently that Wells had gone to Portsmouth. I now come to inquire how that happened to be the case; and here begins a mass of perplexity which I must say baffles my understanding. However, all I ask the House to do is to follow me as I go through the papers. In the communication which the hon. Baronet assumes to be dated the 14th October, but which really has no date, Mr. Wells says—"that your Memorialist was induced, after an interview with Sir Baldwin Walker, to accept an appointment as master smith in Her Majesty's Dockyard, Portsmouth." It appears that Sir Baldwin Walker saw this man, and told him of the appointment, for the details of the appointment are so minute that it was only at an interview probably that all this information could be obtained. If hon. Members will turn to page 8 of the same returns, they will find that the interview with Sir Baldwin Walker changes into "Document No. 1," for Mr. Wells says, in a letter dated the 6th January—"On the 13th September last I had the honour to receive the appointment of master smith at Portsmouth Dockyard, as will be seen on reference to document No. 1, forwarded to me by direction of Sir Baldwin Walker." Now, I cannot understand the contradiction involved in the two statements. If Mr. Wells had an interview with Sir Baldwin Walker, why was the letter sent; and if the letter was sent, what reason was there for an interview? But Sir Baldwin Walker, in his evidence, expressly declares that he had no interview with Mr. Wells. But whether the appointment announced was by letter or at an interview, what was Sir Baldwin Walker's course, as stated to the Committee? The question was put to him—

> "I venture to ask you, was it not out of the ordinary course of your duty your sending that communication to Wells?"

His reply was—

> "It certainly was, I may say, out of the ordinary course of my duty; but the Admiralty not having had the address, I concluded the letter had not been sent to him on that account."

Now, first, we find that Sir Baldwin Walker had Mr. Wells's address, and that the Admiralty had not the address. But Sir Baldwin Walker does not communicate the address to the Admiralty, but he says that he communicated with Mr. Wells. But when I examine further inte the matter, I find that he does not even communicate with Mr. Wells, but he directs a clerk in Somerset House to communicate, not with Mr. Wells, but with the master smith at Woolwich, and the communication is in the following terms:—

> "I am directed by Sir Baldwin Walker to acquaint you that their Lordships have been pleased to appoint Mr. James Wells to be master smith at Portsmouth Yard; and he requests you will communicate this to Mr. Wells, in order that he may make arrangements to take up his appointment."

This is addressed to Mr. G. Black, master smith, Woolwich, and this note is added, "Date not known; but as the Admiralty Order appointing Mr. Wells was dated 10th September, it is presumed this communication was dated 11th September." What a style of doing business is this, What renders all these transactions very remarkable is the fact that Mr. Wells was a *protegé* of Sir Baldwin Walker, and that it was very natural to expect he would see the legal instruments properly executed and carried out. On the 1st of October the Board decided on appointing Mr. Cotsell master smith at Portsmouth. The Board went on the belief that those letters from the Admiralty which had reference to Wells had not gone beyond the Admiral Superintendent at Portsmouth and the Surveyor of the Navy, and, therefore, that no agreement of any kind had been entered into with Mr. Wells; or that he had received any notification of his appointment. The Board was not chargeable with the informality. They sent this letter to the Surveyor of the Navy:—

> "Their Lordships' order of the 10th ultimo for the appointment of a master smith to Portsmouth yard has been cancelled; and the undermentioned

appointments have this day taken place: Mr. George Cotsell, master smith of Chatham yard, to be master-smith of Portsmouth yard, *vice* Tyler, superannuated."

When the Surveyor of the Navy received this notice, stating that another appointment had taken place, it might naturally be supposed he would be anxious that some reparation should be made. Not the least. He never wrote a word to the Board until more than a fortnight afterwards, and he then brought forward the memorial of the 16th October, 1852. On that day the Board found themselves in this dilemma. There were two master smiths. One of them had been appointed with every formality, with every regularity; the other had nothing to show but a letter addressed to the smith at Woolwich. It was for the Board to decide whether Mr. Wells should be called "master smith" or not; and the question raised was, whether it was right to sanction all these proceedings, or whether it was necessary, for the sake of the orderly conduct of the business of the office, to direct Mr. Wells's attention to the inaccuracy and informality of the appointment he had received, and the following communication was addressed to him:—

> "I have received your memorial without date, and I am commanded by the Lords Commissioners of the Admiralty to acquaint you that they are not aware that you have received any appointment from them, and that their Lordships do not consider you justified in designating yourself 'late master smith of Her Majesty's Dockyard at Portsmouth;' they therefore return you your memorial."

And I must say that the Board would have committed an act which would have led to the greatest confusion if they had recognised such a transaction. The letter goes on to say—

> "If, however, from any communication with any of the officers of the several departments you have been led to expect such an appointment, their Lordships are prepared to give their consideration to any memorial from you on that subject; but my Lords cannot recognise you as late master smith of Portsmouth dockyard, as no warrant has been given to you by their Lordships for such appointment."

Knowing all this, it was thought very hard and unfeeling that we did not call Mr. James Wells "master smith of Portsmouth dockyard." It was not the intention of the Board to injure Mr. Wells. It was their intention to do everything they could for him. He did not, however, memorialise again until the 6th of January, 1853, and the Board were not at all to blame for that delay. We had to consider which of these two smiths, Cotsell or Wells, should be appointed master smith at Portsmouth. I will allude to the political part of the question by and by. Let not the hon. Baronet imagine I am going to shrink from it. I will now take the case of Mr. Costell. Here was a man who was the senior smith in the dockyard service, and he might look up to Portsmouth as the chief yard. Mr. Cotsell had raised himself from a lower department entirely by his own merit. He had been in three dockyards, and on one occasion had received the thanks of the Lords of the Admiralty for services he had rendered. It is not my wish to use my own language with regard to either of these men. I will refer to the testimony of Mr. Abethell, the master shipwright at Portsmouth, the builder of the *Duke of Wellington*. Here is a petition from Mr. Cotsell to be permitted to remain at Portsmouth, and on the 29th of January, he asks the Admiralty for leave to do so. His application was forwarded by the master shipwright in these words:—

Mr. Stafford

> "I beg to submit the above for the consideration of the admiral superintendent, and to observe that for professional ability and general fitness for the situation of master smith in this yard, and with regard to faithfulness, economy, and an appreciation of the improvements in smithery work, I have the highest opinion of Mr. Cotsell."

I now come to the character of Mr. Wells, which I have no wish to depreciate. I will refer to the evidence of Sir Baldwin Walker on this point. In answer to a question—

> "'May I venture to ask who recommended Wells?' he said, 'I must explain how it was done fully, if you will allow me. The person that he was immediately selected or named by was the master smith at Woolwich, who had worked in the same firm at Liverpool with Wells.' He was asked, 'Is that a firm that makes machinery?' and his reply was, 'I am not prepared to answer that question.' He was then asked, 'Can you say whether Wells ever forged an anchor?' to which his reply was, 'I am not prepared to say that he has.'"

Now, in his letter to the Admiralty, dated October 16, 1852, Sir Baldwin Walker says, "Mr. Wells was directed to proceed to Somerset House, and was examined by myself and Mr. Lloyd, the chief engineer, as to his qualifications for the appointment." So that in October, 1852, Sir Baldwin Walker examines Mr. Wells as to his qualifications, and in February, 1853, he cannot speak to them. But there is something more. Sir Baldwin Walker forwards a memorial from Mr. Wells, in which Mr. Wells says, "he was induced, after an interview with Sir Baldwin Walker, the Surveyor of the Navy, to accept an appointment." But what does Sir Baldwin Walker say in his evidence before the Chatham Election Committee? He was asked this question—"When Lord Derby's Government came into power, had Wells ever had any letter from the Admiralty appointing him?" His reply was, "Not that I am aware of; I never saw Wells until after he had been dismissed." So that although the Surveyor of the Navy forwarded a memorial from Mr. Wells, in which Mr. Wells stated that he had had an interview with Sir Baldwin Walker—although in October Sir Baldwin Walker said he had examined Mr. Wells—yet in February he could not swear that Mr. Wells had ever forged an anchor, and declared that he had never seen him until after he was dismissed. I now come to the political considerations involved in Mr. Cotsell's case. My great opponent, the great opponent of the Board on that occasion, was the hon. Member for Liverpool (Mr. F. Mackenzie), at that time Secretary to the Treasury. He stated to me that Mr. Wells, a staunch supporter of his, who had voted for him and his Colleague, had been disappointed. He urged Mr. Wells's claims upon me most urgently, and in a long interview which I had with him at the Treasury, I never saw a man who cared less for the dockyards. He intimated that the Treasury was the senior department, and that the Admiralty ought to knock under, but I told them that the Admiralty should not knock under. I acknowledged that Liverpool, in a political point of view, was a more glorious triumph than Chatham, and that it would be easier to make reparation to Mr. Cotsell than to Mr. Wells at Liverpool. But I told him that the case of the dockyards was one on which I had set my heart, and that I would stand by the decision of the Board, and I rejoice in having done so. Not all the discussions in this House—not all the political disadvantages it has thrown upon us—has altered my opinion that the Board acted rightly in rewarding the distinguished merit of Mr. Cotsell, and that we were right in risking political difficulties at Liverpool. Not long ago Viscount Canning, in reply to the Marquess of Clanricarde in another place, on a question relating to the Post Office, said he concurred in all that had been said relative to the duty of the Postmaster General, not to overlook the clerks in case of advancement and promotion, and that it was a general rule applicable to all the departments of the public service. The right hon. Baronet now at the head of the Board of Admiralty said, in answer to a question before the Committee on the 21st of February, this year, "that if the dockyards were justly administered, without consideration of political influence, and with reference to merit only, promotion was open to every man in the dockyard, and from the humblest position he might rise to the highest." That was a noble sentiment on the part of the First Lord of the Admiralty; and I cannot imagine a better comment than the appointment of Mr. Cotsell, who laboured in an inferior department, to the management of a superior department; I can imagine him saying to a young mechanic, "I advanced myself by degrees, step by step, until I have got to the top of my profession, and you may do the same—for those who rule us rule us justly, and respect our claims as much as they do the claims of the highest nobles of the land." We arm our dockyard battalions, we are right to do, so for they are brave and loyal men, proud to call themselves, and to feel themselves, the servants of the Queen; and they will be prepared to stand by you to the last. Because therefore they are proud and loyal, they respect their feelings, their happiness, and their hopes; do not make them, because they earn their daily bread by toil, and because their objects of ambition are not ours, believe that they will not be treated fairly; and never let the humblest of them feel that, without one fault of his own, you have called the stranger to supplant him, and dashed the cup from his lips just when those lips had reached it. And now I come to the hon. Baronet's charges with respect to the general superintendence; and my answer with regard to the general distribution of patronage is this—I think it will be fair to try it by this process. I take the dockyard boroughs—those where the dockyards have particular influence. I begin with Portsmouth. In Portsmouth there was no contest. Now, I say that we might, if we had been so unscrupulous as has been alleged, have got up a contest. Then there is Devonport. From Devonport you have no petition, and we must conclude that if there were any grounds for one, there would not have been people wanting to bring it forward. From Plymouth there is a petition; but, notwithstanding all the allegations we have heard, the allegations in it contain nothing against the Admiralty. From Greenwich there is no petition. From Rochester there is no petition. There was a petition from Chatham, and the Committee who investigated the charge which it made, sat a longer time than any other Election Committee. In the Committee a placard was brought to light, which, with the permission of the House, I will read. It was circulated during that election:—

> "A few words to certain electors of Chatham about bribery. Electors of Chatham—The law as to bribery at the present election is a new law. If one of the Secretaries of the Admiralty has accompanied Sir Frederick Smith in his canvass at the dockyard, the Secretary of the Admiralty will be obliged to declare every circumstance of that visit on oath. He must tell every word that passed between himself and Sir Frederick Smith; every word that Sir Frederick Smith said to the men in his presence. If any promise were made in his presence he will have to declare it. If in private he promised Sir Frederick Smith for any man, he will have to declare it. The Secretary to the Admiralty will have to convict himself. The Derby Ministry is beaten in the country. They will not be in power to damage any man for an honest vote, or to give a man a place of any sort for a dishonest one. Electors of Chatham, you are free, &c."

This placard was of a nature to inspire the stoutest-hearted Secretary of the Admiralty with terror. I was expecting every moment a warrant summoning me to give evidence before the Committee. But day after day passed away; the proceedings of the Committee advanced; their proceedings terminated; but this terrible Secretary of the Admiralty was never summoned before the Committee, nor at all referred to in their Report. Give me leave to read the Report:—

> "That it was proved to the Committee that Joseph Greathead, an elector of Chatham, had been bribed by a situation as a letter-carrier in the Post-office, obtained for his son, C. Greathead, by Sir J. M. F. Smith. That it was proved before the Committee that a large number of the electors are employed in Her Majesty's dockyard, and other public departments at Chatham, and that they are under the influence of the Government for the time being, and it appears that there is no instance of a candidate being elected for this borough who has not the support of the Government. Under these circumstances it will be for the House to determine whether the right of returning a Member should not for the future be withdrawn from the borough of Chatham. That it is the opinion of this Committee that there are strong grounds for believing that Stephen Mount, in giving his evidence before the Committee, had been guilty of wilful and corrupt perjury."

There is no special reference in that Report—no reflection upon any one Government more than upon another; and I say that if any case more than another presents a favourable view of our proceedings, it is the absence of petitions in every place except one—that even, the only one, not bringing forward any specific allegations against the Board. But the hon. Baronet says I went down to Devonport and walked through the dockyard; he says there was a political dinner of mine there, and there were several persons at it he named. If he had given me notice that he was going into this subject, I would have carefully preserved the names of the guests; and, if he wished it, of the dishes also. The right hon. Baronet says that both the Conservative Members were there.

SIR BENJAMIN HALL: I said the two Conservative candidates.

MR. STAFFORD: I can tell him they were not. I admit going in the *Black Eagle;* and here I may be permitted to reply to one of the many charges that have been made against me—the charge that I had employed a steam vessel, at the Government expense, to go to various ports in the Mediterranean. Sir, I never took one Government steamer a mile out of her way. From Admiral Dundas I heard of a steamer at a particular point, whence I was conveyed to several points, to which, whether I had been on board or not, they must have gone. I cost the Government nothing—not more than 12*l.* at all for that journey, and that was because I could not pay for myself according to the regulations of the service when I was on board the *George* and *Fury*. I was the guest of Admiral Dundas, and I shall thank him to the last hour of my life for the hospitality he showed me on the occasion. As regards my going round the dockyards, I will frankly say that it would have been far better if I had not, because — though I was always accompanied except in two cases by the Superintendent, to show I was not canvassing—though there was no canvassing whatever—though no political conversation ever escaped my lips, except to assure those who asked the assurance, that Government would not interfere or punish any man for the free exercise of his political opinions—it is still my opinion, which I will express, that, as it had a political appearance, it would have been better if I had not gone round at all. I hope that my successors will not. And now I have done with my statement, and I think I have not omitted anything. As this House has heard me with patience, I trust it will decide with justice.

I was called to take office, not only at the middle of a Session of Parliament, but just before a general election; and those who are the most competent judges of the difficulties and temptations of such a period, will probably be the most lenient in their judgment. I have endeavoured to vindicate the Board with which I was connected where I think it was right; I have frankly owned it where I thought it was wrong; and I shall always have the satisfaction of knowing that there are men without whose kind, zealous, and able assistance, I should never have been able to carry out the labours of that office—men who know that while I was in that office I did not waste my time in mere political jobbery. I shall have the satisfaction of knowing that there are some, serving their country in high and honourable command, who can bear testimony to what is more precious still, the voice of my own conscience, that, without distinction of party, I did my best to cooperate with them, and to promote the welfare of their gallant and glorious services with a zealous and honest heart.

ADMIRAL BERKELEY said, he had hoped that the hon. Gentleman, after finishing his speech, would have seconded the Motion of the hon. Baronet (Sir B. Hall). [MR. STAFFORD: That has been done already.] He had hoped, however, that the hon. Gentleman would have shown some anxiety to have a Committee, after all that had passed. He (Admiral Berkeley) rose to speak for an absent man—a man he was proud to call his friend, having been on service with him when he greatly distinguished himself in the naval profession, and having known him also when employed in civil situations—he meant Sir Baldwin Walker. The hon. Gentleman, throughout his speech, had cast imputations on that officer; and he maintained that the House would not do him justice unless a Committee was appointed. If Sir Baldwin Walker were present, he believed he would be able to give excellent reasons for the assertion that the circular, to which reference had so often been made, was cancelled without the knowledge of the Board. The regulations originally commenced by the present First Lord of the Admiralty (Sir J. Graham were framed, not, as the hon. Gentleman had insinuated, to encourage jobbing, but to put an end to the political jobbing which had previously taken place. The same principle was carried out by his successors; and if a Committee were granted it would be shown that, under the surveyorship of Sir Baldwin Walker, it was strictly adhered to. The hon. Gentleman had read an extract from the *Morning Herald*, one of the most bitter opponents of Sir Baldwin Walker, written by a man who had a knowledge of naval subjects, but who used it entirely for his own purposes; and the statements of this anonymous writer in the *Morning Herald* were brought forward to prove that Sir. Baldwin Walker was a political jobber. Now to him it appeared most extraordinary that the hon. Gentleman (Mr. Stafford), in his wanderings from one port to another and in the Mediterranean, found every officer totally clear from political bias and political feeling except Sir Baldwin Walker. The hon. Gentleman must excuse his replying that Sir Baldwin Walker, was, to his mind, one of the best officers, one of the best servants of the Crown, we had—that he was one who had the best interests of the service at heart—and that so far was he from exhibiting political bias that he (Admiral Berkeley), one of his oldest friends, did not at this moment know what his politics were. He could also inform the hon. Gentleman that he (Admiral Berkeley) had been in five different Boards of Admiralty, and had always found that there was an honourable feeling, if it were possible, not to disturb the arrangements of those whom they had succeeded. He could not, however, say so much for that Board of which the hon. Gentleman was Secretary. It might be all very well for the hon. Gentleman to say that Mr. Wells was not regularly appointed, and to ask, in a taunting tone, "if this was the way to do business?" But he called upon the hon. Gentleman to try and find out what became of the order for the appointment of Wells, for there now could be no doubt that he was as regularly appointed as ever officer was. A strict search had been made to find it, but no such paper could be found at the Admiralty. The following letter, from the Second Secretary of the Admiralty, Captain Hamilton, would, however, give the hon. Gentleman some information on the subject:—

"New-street, Spring-gardens, April 15.

"My dear Sir James Graham—From a communication I have had to-day with Mr. Piers, it seems that in my letter to you on the 12th inst., I have confounded the submission of the Surveyor's recommending Wells with another submission from the Surveyor as to an appointment of a draughtsman to his office, and I am reminded that I dealt with his letter precisely as I had supposed I had dealt with the submission recommending Wells; and, as regards the missing minute, I am further reminded by Mr. Piers, that it was given by me into his charge, together with all the other papers in Wells's case, to be kept over until Mr. Stafford's return.—I remain, dear Sir James Graham, yours, "W. A. B. HAMILTON."

The papers were thus traced to the hands of Mr. Piers, and from that gentleman the following memorandum had been received:—

> "The original submission of the Surveyor of the Navy, dated September 9, 1852, recommending Mr. Wells for the situation of master-smith at Portsmouth, was, as I perfectly recollect, placed in my hand, together with other papers relating to the case, by Captain Hamilton, who desired me to keep them by me until Mr. Stafford's return from the Mediterranean, Mr. Stafford being then expected back in a few days. On the return of Mr. Stafford to the Admiralty I lost no time in giving all the said papers (including the above-mentioned original submission of the Surveyor of the Navy), either to Mr. Stafford himself, or to his private secretary, Mr. Grant—I cannot positively state which—in accordance with the directions I received from Captain Hamilton.
>
> "O. BARRINGTON PIERS.
>
> "April 16, 1853."

The private secretary of the hon. Gentleman, Mr. Grant, wrote on the subject, as follows:—

> "I beg to state that as far as my memory serves me, I saw the original submission of the Surveyor of the Navy recommending the appointment of Wells, with the following minute upon it by Admiral Parker:—'Approved, H. P.' This document is not in my possession, and I do not know what has become of it, and from the length of time that has elapsed I am unable to say whether Mr. Piers ever put it into my hand."

Now, as to any informality with respect to the appointment of Mr. Wells, that, he presumed, was now done away with, and he certainly thought that this was an appointment which no one was entitled to cancel. Having thus traced the missing order, he would proceed to other topics. The hon. Gentleman had thought proper to impute to Sir Baldwin Walker improper conduct in making use of a private and confidential letter in order to annoy him. Now, he knew Sir Baldwin Walker to be a man of the utmost veracity, and he could state, after inquiry into the case, that he made no use of that private letter, but that, on the contrary, it was locked up in his drawer. Sir Baldwin Walker never showed that letter to any one whatever, but he quoted from a conversation he had with the hon. Gentleman himself at the Admiralty, and those words were again repeated to him by Mr. Grant, the hon. Gentleman's private secretary, who was sent up by the hon. Gentleman to Sir Baldwin Walker positively to see whether he could be turned from his determination not to permit political patronage in the dockyards. This statement did not rest on Sir Baldwin Walker's assertion alone, for it so happened that the clerk of Sir Baldwin Walker was in the room, and, on his attention being drawn to the subject, he recollected well the matter being talked of, and that Sir Baldwin Walker said nothing would induce him to entertain the question of political jobbing. Then, the hon. Gentleman threw out insinuations against Mr. John Parker. That gentleman was not now in the House; but he would say a more honest and conscientious man never existed than Mr. John Parker. And though Mr. Parker was at the Admiralty much longer than the hon. Gentleman, he was never accused of having dabbled with politics in the dockyards. To recur to the missing document; it was all very well for the hon. Gentleman to say he never saw it—he must have been cognisant of it, and he ought not to have rested till the matter had been cleared up. In the case of any Lord of the Admiralty with whom he had ever served, he was satisfied they would not have rested one moment till they had made the document public, and would not have allowed such a scandal to remain.

MR. CORRY said, it would be a work of supererogation on his part to enter upon the defence of his hon. Friend (Mr. Stafford) after the convincing statement he had just made. He was satisfied the House would agree with him that if the object in making the Motion had been to bring charges against him, it had signally failed. He must say, also, that the good feeling he had displayed in his speech, and the ability he had displayed in vindicating his conduct and character, could hardly fail to have elevated him highly in the opinion of Parliament and the estimation of the country. Although he should not on that account enter into the special subject, he would ask the House to grant him its indulgence to correct an erroneous impression which the letter of Sir Baldwin Walker to the First Lord of the Admiralty (the Duke of Northumberland) was calculated to create. It was stated that "this order of 1849 was only reverting to a system which had always been in force prior to 1845, and which was then discontinued, I have reason to believe, on personal grounds." That implied a most serious charge against the Board of Admiralty, with which he had the honour to be connected; but he could assure the House there was no alteration of the original regulations of 1845, and he felt it his duty to remove the impression that might have been created by that statement. He had no recollection of any alteration in the system of promotions and appointments, from 1841 to 1846; and, in order to be accurate, he had applied to the right hon. Gentleman the First Lord of the Admiralty (Sir J. Graham) to ascertain if the allegations contained in that document were borne out by the records of the Admiralty. He had gone on the previous day to the Admiralty, and had seen Mr. Barrow, and he had ascertained from him that the universal practice in all those years—and the right hon. Gentleman the President of the Board of Control (Sir C. Wood) and the right hon. Gentleman the Secretary at War (Mr. S. Herbert) would bear him out in it—that it always was the practice for the superintendents of the dockyards to make their reports, not to the Surveyor of the Navy, as was established by the circular of 1849, but to the Secretary of the Admiralty. He was, therefore, entitled to give that statement the most unqualified contradiction. He hoped hon. Gentlemen would not suppose that he meant to insinuate anything in the slightest degree disrespectful to the honour and character of Sir Baldwin Walker. There did not exist a more honourable man than Sir Baldwin Walker, and he believed that he would be the last man to make any statement that he did not believe to be strictly borne out by the facts of the case. But Sir Baldwin Walker was not attached to the Admiralty in 1845, and must have got his information at second-hand. Not only was the system of reporting these appointments to the Surveyor of the Navy not in existence, but the regulations were that the superintendents should correspond with the Secretary of the Admiralty. With regard to there being any security from political jobbing by sending these reports to the Surveyor of the Navy, he attached very little importance to the assertion. The Surveyor has a very superficial knowledge of the qualifications of those seeking promotions and appointments. He resided at Somerset House, and merely made periodical visits to the dockyards, but he had no information as to the claims or qualifications of those seeking promotion. The superintendents of the dockyards, on the contrary, were superior officers, and men on whose judgment the greatest confidence could be placed. He believed that these reports would be a much higher guarantee than the circular of 1849. In the regulations introduced by Sir Henry Ward, and the able minutes which he had prepared for the management of promotion in the dockyards, the name of the Surveyor of the Navy did not occur, and that system had worked well, and was a guarantee of impartiality and the absence of jobbing.

Sir FRANCIS BARING said, it was not his intention to address the House at any length, but he thought that, after the defence which the hon. Gentleman (Mr. Stafford) had made against the charges of Sir Baldwin Walker, decency and justice would induce the House to grant the Committee. After a letter of a distinguished and hon. officer making such grave charges, and after such charges as those which the hon. Gentleman had brought against Sir Baldwin Walker, and also against Mr. Parker, the justice of the case would not be satisfied if they shuffled off this inquiry. He would make one observation with regard to the personal conduct of the hon. Gentleman with respect to the accuracy of an answer which he had given. It was painful enough to be opposed to hon. Gentlemen upon political grounds, but he hoped no political feelings would ever induce them to forget those feelings which ought to be entertained by gentlemen towards gentlemen. The explanation of the hon. Gentleman was hardly required to satisfy them that he had had no intention whatever of giving an inaccurate answer. The hon. Gentleman had said that, as long as Sir Henry Ward was at the Admiralty things went well, but when Mr. Parker came, an order was issued to satisfy a particular party. Now, that order was issued under his (Sir F. Baring's) administration of the Admiralty, and, as far as Mr. Parker was concerned, he might say that it was not his (Sir F. Baring's) habit to allow orders to be issued by the Secretary without the knowledge of the Board, whatever any subsequent Board might have done. The right hon. Gentleman who last spoke asserted that the old practice was that the superintendents of yards should recommend men for appointments; that the recommendations never went through the Surveyor; and that in his time no alteration in that practice was made. Now, he thought when the right hon. Gentleman said so that he was wrong, for, upon turning to some papers with which he happened to be furnished, he found among them the following documents:—

> "The several superintendents of Her Majesty's dockyards have been directed to report all vacancies for artificers and labourers in the yards under their superintendence to you, and to send no return of these vacancies to the Secretary of the Admiralty, and you are to forward the returns from the respective dockyards, with any remarks you may have to offer upon them, as soon after you have received them as possible.
>
> "You are to report all vacancies without exception that occur in the dockyard, and when any vacancy occasioned by promotion or otherwise shall occur, you are, after consulting the officer in whose department such vacancy may happen, to forward to the Admiralty the names of persons belonging to the yard fit from ability and character to succeed to the vacancy; but no person whatever is to be promoted or entered on the establishment of the yard in any vacancy or otherwise, as officer, clerk, artificer, or labourer, without our express authority."

The orders were dated the 25th October, 1841. It was quite true that, in order to put a stop to jobbing, it was recommended that all representations for vacancies should come through the Surveyor, but that the Admiralty never abandoned their power or their check over the Surveyor. He could assure the right hon. Gentleman (Mr. Corry) that, when this order was cancelled, the impression was entertained by the persons in the dockyards that the days of jobbing were come again. He was far from saying that was the intention of those who cancelled that order, but he believed it would be found upon inquiry, that such was the impression in the different dockyards; and if they inquired (and he did not think they would now do without inquiry), they would find this to be the case. Examine the several superintendents of the dockyards, and ask them what they think—ask them what was the effect of cancelling this order—put to them the straightforward and simple question, whether they had found any difference in consequence of the different mode in which patronage is now distributed. The hon. Gentleman (Mr. Stafford) said, this order was issued to secure Whig domination in the dockyards. For his own part, he was not the least afraid that such would be found to have been the case. He did not know where the hon. Gentleman obtained his information; but if he relied upon the letters with which he had favoured the House, he would only say that those were such letters as he supposed every First Lord of the Admiralty, and Secretary to the Admiralty, had received from time immemorial. He had little doubt but that the very same party had told the very same story to him (Sir F. Baring). But the most desirable course was, that the Committee should call the writers of those letters before them and examine them. The hon. Gentleman spoke about private letters being used. He (Sir F. Baring) had, when First Lord, communicated frequently with the officers at the heads of the different departments—with Sir Baldwin Walker and the rest—but his communications were entirely concerning the business of their respective departments—he had no other kind of communication with them, either by writing or by word of mouth; and, so far from there being any notion of confidence or secrecy as regarded his intercourse with them, he had publicly declared that all those persons were at perfect liberty to produce any scrap of paper he had ever written to them, and to narrate any conversation he had ever had with them, without the slightest reserve; and, in return, he hoped those officers would be asked to tell the Committee what was their opinion of the conduct which had been pursued by the late Board of Admiralty, and whether they did not believe that it was his earnest wish, when First Lord, and the wish of the then Board, that the power and patronage placed in their hands should not be used for political purposes. He would much wish that they were all called, and he should like the Committee to ask them upon what condition they took office, and what was the nature of their pledge. As regarded Sir Baldwin Walker, he had no acquaintance whatever with that gentleman when he took office; indeed, he did not think he had ever seen him. He did not know at the present moment what Sir Baldwin Walker's politics were, or that he had any; for it frequently happened that naval men who gave themselves up to their profession took no part in politics. He thought it, however, but right and fair to say, that a more straightforward, honest, laborious, trustworthy public servant it had never been his lot to meet with. When one was giving his testimony in behalf of one who had not been very handsomely treated—though he had great claims on the public—it sometimes happened that there was too much warmth exhibited. He would further add, that of this he felt equally sure, that, whatever the result of the inquiry might be, Sir Baldwin Walker's character would appear as that of an upright and honourable man. He was sorry to have gone thus far into the case; but his own conduct having been brought into discussion, he had felt it to be his duty to trespass longer on the House than he would otherwise have done. He felt rather surprised that the hon. Gentleman (Mr. Stafford) should have relied so much upon Sir Baldwin Walker's way of doing business. He should have thought that was not the hon. Gentleman's *forte*. He did not think extreme regularity of business was one of the characteristics of the late Board of Admiralty. One secretary did not seem to know what the other secretary had done. One member of a department was ignorant of what another had done, though both should be equally well informed on the point. He believed the House would not be satisfied unless there was inquiry—he believed the public would not be satisfied without a searching inquiry. It was for the character of public men—for the reputation of the public departments—for the good of the public service—that they should go at once, and without reserve, into that investigation; and if he might be allowed as a party, whose conduct had been made the subject of remark, he would call upon them to make the scrutiny as ample as possible.

Sir FREDERIC THESIGER said, he must beg to express his thanks to the right hon. Baronet who had just resumed his seat for having done justice to his (Sir F. Thesiger's) hon. Friend (Mr. Stafford) in that part of the case which affected his personal honour and character. He did this the more readily, because he had certainly received a very painful impression from some of the observations made by the hon. and gallant Member for Gloucester (Admiral Berkeley), who very distinctly indeed charged his hon. Friend with having evaded the question put to him, and insinuated that there had been a suppression of some documents in the Admiralty, which suppression he more than insinuated was the act of his hon. Friend. Now it seemed, from what the right hon. Baronet said, that he was of opinion that this Committee ought to be granted, and that the public would not be satisfied unless there was a searching investigation. Let him ask, an inquiry into what? Because it appeared to him, upon the explanation given by his hon. Friend, that with regard to three at least of the four heads in the Resolution, the House was in possession of all the information which it could possibly receive. He knew very well that the friends of the hon. Member for Northamptonshire (Mr. Stafford) were liable to misconstruction by attempting in any way to prevent the House from granting a Committee on the present occasion. And yet he (Sir F. Thesiger) felt it to be his duty to call the attention of the House to what were the ordinary functions of a Committee, and to ask whether it would not be a superfluous work to impose upon any Committee the necessity of inquiry into these matters after the explanation which had been given by his hon. Friend. Take the last Resolution proposed by the hon. Member for Marylebone. It proposed to inquire "generally into the exercise of the influence and patronage of the Admiralty in the Dockyards and Government Departments connected with the several Parliamentary Boroughs since the 19th day of April, 1852." Now, if there were to be a Committee of Inquiry, he contended that it would be most unjust to limit the Resolutions in that manner. And the right hon. Baronet (Sir F. Baring) seemed to be of the same opinion, because he intimated it would be necessary to make a searching and extensive inquiry, and he was prepared to defend his own conduct with regard to the disposition of patronage during the time he was at the head of the Admiralty. If, then, the Committee were to be granted, and in the present temper of the House it seemed difficult to resist it, he should certainly propose, as an Amendment to the last head of the Resolution, the omission of all the words after the words "Parliamentary Boroughs," so as to make it a general inquiry into "the exercise of the influence and patronage of the Admiralty in the Dockyards and Government Departments connected with the several Parliamentary Boroughs." Surely there could be no objection to that. If the Committee were to be appointed at all, their inquiries must be extended as far as that. But what he wished to point out was with respect to the three other heads of the Motion of the hon. Member for Marylebone, that there was nothing whatever for the House to inquire into, after reference had been made to the different documents before the House, and the explanations of his hon. Friend (Mr. Stafford) that night. Let them take a specimen. The hon. Member for Marylebone proposed to call the attention of the House to the contents of the three Parliamentary papers, and to move "that a Select Committee be appointed to inquire into the circumstances under which 'a circular, sent to the Superintendent of Her Majesty's Dockyards, dated Septemher 26, 1849,' was cancelled on the 10th day of April, 1852, without any Order or Minute of the Board." As he understood this Resolution, the objection which the hon. Member for Marylebone raised to the Order of the 19th April was, that it was issued without an Order or Minute of the Board; that, in fact, it emanated from the authority of the Secretary to the Admiralty himself. Now his hon. Friend (Mr. Stafford) had clearly explained to the House, that inasmuch as the Order of 1849 was passed, not as a Board Minute, but as a Minute which was merely inserted in the book and signed by the Secretary—that his hon. Friend adopted the same course in reference to the Order of April 19, 1852; but that, in point of fact, that Order was sanctioned by the Board assembled on the 26th of April following, because they adopted that Order, and called it the Circular of the Board. If, therefore, the objection was, that his hon. Friend issued that Order without the sanction of the Board, his hon. Friend had not only explained that he had that sanction, but had pointed to documents in possession of the House which were sufficient to enable every hon. Member to decide that question. Where, then, was the necessity for sending this to a Committee of Inquiry? If the Order of April, 1852, cancelled the Order of 1849, his hon. Friend had explained the grounds upon which the Board cancelled that Order, and brought back the state of things to that which it was under the instructions of the year 1847, and which had been so justly praised by the hon. Member for Marylebone. And in confirmation of the statement of his hon. Friend (Mr. Stafford), they had the fact that the correspondence of the Superintendents of the Dockyards before 1847 was not with the Surveyor of the Navy, but with the Secretary of the Admiralty direct. There seemed, therefore, to be no ground whatever for supposing, if a Committee were granted, that they could put the House in a better position to form a judgment on the matter than it occupied at that moment. The next point of inquiry was, "The circumstances under which a Letter, addressed by Sir Baldwin Walker to Mr. Stafford, as Secretary to the Admiralty, in which letter Sir Baldwin Walker tendered his resignation as Surveyor of the Navy, was withheld from the Board." Now, this was a part of the question upon which he (Sir F. Thesiger) felt the most deeply; because, notwithstanding the hon. Member for Marylebone (Sir B. Hall) had, he must say, stated in the most free, candid, and forbearing manner the case against his (Sir F. Thesiger's) hon. Friend (Mr. Stafford), it was quite clear that the hon. and gallant Member for Gloucester (Admiral Berkeley) had endeavoured to produce an impression upon the House that his hon. Friend (Mr. Stafford) had not dealt fairly by the House, and that he had evaded the questions put to him with regard to the resignation of Sir Baldwin Walker. Well, what were the questions put to, and what the answers given by, his hon. Friend? First, he was asked, "Had Sir Baldwin Walker tendered his resignation as Surveyor of the Navy?" His answer was, "No; he had not." The next question was, "Was there any correspondence in the Admiralty upon the subject of the resignation of Sir Baldwin Walker?" His hon. Friend replied that "there was no correspondence at all in the records of the Admiralty." Then it was supposed that his hon. Friend had evaded the questions, and was guilty of some subterfuge or some prevarication. ["No, no!"] He had received, he must say, a very painful impression from the expressions used by the hon. and gallant Member for Gloucester (Admiral Berkeley), and certainly, when his hon. Friend was charged with having evaded the question, it was impossible to put any other interpretation upon the words than that. Now, what were the facts of the case? On the 19th of April, 1852, the Board Order or Minute, as he had a right to call it, was issued; and it appeared that subsequently Sir Baldwin Walker had a correspondence with his (Sir F. Thesiger's) hon. Friend (Mr. Stafford), and that private letters passed between them upon the subject of this Order. On the 26th of April, the First Lord of the Admiralty informed Mr. Stafford that Sir Baldwin Walker was annoyed at the Board Minute of the 19th of April, and had expressed some intention of resigning his office; and his hon. Friend was requested to see Sir Baldwin Walker, who was at that time with Admiral Hyde Parker. His hon. Friend went and saw Sir Baldwin Walker at Admiral Hyde Parker's; and he then prepared the Circular of the 26th of April, which he communicated to Sir Baldwin Walker for his approval. Sir Baldwin Walker having made some trifling alterations, that Circular was adopted by the Board; and, as his hon. Friend believed, Sir Baldwin Walker was perfectly satisfied with the explanation given to the Board Minute of the 19th of April by the Minute of the 26th of April, to which he had given his assent. Now, Admiral Hyde Parker was the friend of Sir Baldwin Walker; and he was intrusted with a letter of the 21st of April, which upon the issue of the Board Minute of the 19th Sir Baldwin Walker had written, expressive of his intention to give in his resignation: "I must therefore beg to tender to their Lordships my resignation." This letter was addressed to his (Sir F. Thesiger's) hon. Friend the then Secretary of the Admiralty (Mr. Stafford); but it was placed in the hands of Admiral Hyde Parker, who, knowing perfectly well that there was no intention by the Board Minute of the 19th of April to affix the slightest stigma on Sir Baldwin Walker, and thinking, probably, that the letter was hasty and imprudent, did not place it in the hands of his hon. Friend, but kept it in his own possession, he having authority from Sir Baldwin Walker to act with regard to that letter as he might think proper. When, however, the Minute of the 26th of April had been submitted to and approved of by Sir Baldwin Walker, Admiral Hyde Parker necessarily supposed that all objections on his part to the Minute of the 19th April had vanished—that the necessity for delivering that letter to his hon. Friend, as a tender of the resignation of Sir Baldwin Walker, was entirely at an end; and, therefore, as it appeared from a private letter of Admiral Hyde Parker, he put it in the fire. It was remarkable, as a proof that the course adopted by Admiral Hyde Parker was approved of by Sir Baldwin Walker himself, that on the 10th of May, Sir Baldwin Walker wrote a private letter to the First Lord of the Admiralty, which his hon. Friend (Mr. Stafford) never saw until a copy of it was produced in the papers laid upon the table, and in which letter it was not suggested in a single paragraph that he had tendered, or entertained any intention of tendering, his resignation. What then happened? Why, nothing whatever occurred until the month of November, when questions were put to his hon. Friend (Mr. Stafford) in that House, and to which questions he returned the answer he had mentioned to-night, and he (Sir F. Thesiger) had repeated. Subsequently, on the 25th of November, Sir Baldwin Walker writes this letter to his friend:—

> "Sir—Having observed in the public papers that the Secretary of the Admiralty is reported to have stated in the House of Commons, on the evening of the 23rd instant, in reply to certain questions asked by Admiral Berkeley and Sir George Pechell, that there was no correspondence with the Surveyor of the Navy on the subject of the promotions in the dockyards, and also that the Surveyor of the Navy had not tendered his resignation, I desire, through you, to draw the attention of my Lords Commissioners of the Admiralty to letters from me, bearing date the 21st of April and 10th of May last.—I have, &c.,
> (Signed) "B. W. Walker,
> Surveyor of the Navy.
> "To Augustus Stafford, Esq., M.P.,
> Secretary to the Admiralty."

In reply to this letter, his hon. Friend (Mr. Stafford) wrote to Sir Baldwin Walker on the 26th of November, as follows:—

> "With reference to your letter of the 25th inst., I am to acquaint you that your letters of the 21st April and 10th May, referred to by you, do not appear to have reached the Record department of this office; and my Lords, therefore, request you will transmit copies of these letters."

Now, it was quite apparent that Sir Baldwin Walker had at that time copies of the letters in his possession; that, he (Sir F. Thesiger) would prove to the satisfaction of the House; but on the 29th of November he wrote—

> "With reference to your letter of the 26th inst., I beg to acquaint you that, since my communication of the 25th inst., I have been informed that my letter of the 21st of April, addressed to the Secretary to the Admiralty, which was delivered to Vice-Admiral Hyde Parker, was not brought before the Board; and, with reference to the letter of the 10th of May, it was a communication addressed to the First Lord of the Admiralty, and not to the Secretary.—I have, &c.
> "B. W. Walker.
> "Augustus Stafford, Esq., M.P.,
> Secretary to the Admiralty."

Now, could anything more extraordinary be conceived than this answer? Of course, as the letter of the 21st of April contained a tender of his resignation, it was perfectly impossible that it could have been "brought before the Board" without some notice being taken of it by the Board. It was clear, therefore, that Sir Baldwin Walker must have been aware, before the month of November, that his letters were not brought before the Board. Now, why did he (Sir F. Thesiger) say that Sir Baldwin Walker had copies of the two letters of the 21st of April and the 10th of May in his possession, when he was requested by the Board to furnish them with copies? Because the House of Commons had in the present Session called for

> "Copies of all correspondence during the year 1852 between the Board of Admiralty and the Surveyor of the Navy in reference to the resignation of his office."

And had further ordered, that

> "In case such correspondence should not be in the office, that the Surveyor should be directed to furnish copies of any letter or letters addressed by him to the Secretary, or the First Lord of the Admiralty, on such subject."

On the 16th of March, 1853, a letter was addressed by the Board of Admiralty of that day to Sir Baldwin Walker, stating that neither of his letters had reached the Minute or Record department of the office; and on that very day Sir Baldwin Walker, who, in November, 1852, had been asked for copies of these letters, and had replied that he had none, enclosed copies of the same to the Board of Admiralty which succeeded it. He (Sir F. Thesiger) felt bound at this point to refer to the evidence given by Sir Baldwin Walker himself on this subject before the Chatham Election Committee, because his answers on that occasion left an impression upon the public mind that there had been a wilful suppression of these letters—that of the 21st of April especially—for an improper purpose. He said, in reply to the previous question put to him, that he had discovered that the letter of April 21 had not been brought before the Board; that he had delivered it to a senior officer of the Board of Admiralty; that he discovered it had not been delivered only some months after, in reference to a question that had been asked in the House of Commons; that he had made inquiries on the subject, but could not ascertain what had become of the letter; that it ought to have been laid before the Board; and, finally, that he had reason to believe it had been withheld for a purpose which affected him, personally, namely, his removal. He (Sir F. Thesiger) asked the House to consider these answers made on oath, and then say whether or not they did not convey the impression of wilful wrong on the part of the late Board of Admiralty. He (Sir F. Thesiger) acquitted Sir Baldwin Walker of intent to create the impression that what had taken place was with a sinister object; but he could not say that his statements were not of a very unguarded nature. The question for the House to decide, however, was not concerning the personal impressions of Sir Baldwin Walker, but concerning the personal honour and character of the hon. Member for Northamptonshire (Mr. Stafford). The right hon. Baronet opposite (Sir F. Baring) had acquitted his hon. Friend on the point of his personal character. Could any man, after what had passed, be satisfied with a judgment in the case which would leave the slightest reflection upon the honour and character of his (Sir F. Thesiger's) hon. Friend in this instance? Had his hon. Friend any knowledge that the resignation of Sir Baldwin Walker had been tendered? He had not. And, therefore, when he said he did not know it had been tendered, he was guilty of no evasion or mental reservation, as the answer was founded on facts. When his hon. Friend was asked, did he know of the correspondence of Sir Baldwin Walker with the Admiralty on the subject, he said no, because there was none. The letter which Sir Baldwin Walker placed in the hands of Admiral Hyde Parker had, in fact, never passed into the records of the Admiralty, and he never saw any copy of the letter of the 16th of March, which was produced by Sir Baldwin Walker, on the application of the present Board. When his hon. Friend said there was no correspondence on the subject, he clearly stated the fact, for the resignation was evidently never intended to be persevered in, and was not, therefore, preserved in the archives of the office. He was, therefore, perfectly justified in his answers on the subject. No inquiry of the Committee could, consequently, place the question in a better position for a decision of the House. It was, however, rather hard on his (Sir F. Thesiger's) hon. Friend to be charged with making an attack upon the character of Sir Baldwin Walker, when he was simply vindicating his own character by bringing forward the necessary facts for his case, especially as he confined himself strictly to the documents before the House. What could be the use, therefore, of a Committee of Inquiry into the circumstances of these letters of Sir Baldwin Walker which were withheld? Turning to the next charge against his hon. Friend—namely, the removal of Mr. James Wells, and the appointment in his place of Mr. Cotsell, how stood the facts? The hon. and gallant Admiral (Admiral Berkeley) had led the House to suppose that he had detected his (Sir F. Thesiger's) hon. Friend in some suppression of the fact—some concealment of documents, which ought to have been at the Admiralty; but it appeared that his discovery was that the original of the letter of the 9th of September, 1852, formed part of the Parliamentary paper No. 271, laid before the House. A corrupt motive had been suggested for this removal and this appointment; and it was but fair to his hon. Friend, therefore, that all the facts should be stated. There was, as had been shown, a particular form of appointment by the Board of Admiralty to situations in the dockyards, especially to that of master smith. This form had been complied with in the cases of Smale, Balls, and Bailey, as would be seen in the Parliamentary paper. There was, however, nothing more in the case of Mr. Wells than the recommendation of the Surveyor of the Navy, which recommendation was in itself rather extraordinary, inasmuch as it stated that the Board had ordered the appointment of a master smith in August, and no decision of the Board to that effect could be found, though a strict search for it had been made. An application was made to Sir Baldwin Walker for a copy of this Order; but he stated in reply that he had no copy of it. He (Sir F. Thesiger) was bound to assume, therefore, that Sir Baldwin Walker was under a mistake, as no order could be discovered. But did Sir Baldwin Walker know anything about Mr. Wells, whom he brought into the service as a foreigner, displacing others who had been there previously? He said Mr. Wells had been recommended by Mr. Black, the master smith of Woolwich dockyard, who had known him through working with him in a private yard in Liverpool. In Mr. Wells's memorial, page 6, paper 271, he stated that he was induced to accept the situation after an interview with Sir Baldwin Walker; and as Sir Baldwin Walker forwarded that memorial, of course he was aware of its particular contents. But Sir Baldwin Walker stated that Mr. Wells was directed to proceed to Somerset House, where he was examined by himself and the chief engineer; and that his qualifications were so satisfactory that he appointed him to the situation of master smith. In his evidence before the Committee, however, Sir Baldwin Walker stated that he never saw Mr. Wells until after he had been dismissed from the appointment in question; and on being asked as to his qualifications, he said he did not know whether there was any machinery in the private yard in Liverpool, where he had worked with Mr. Black, or if he ever had forged an anchor. Sir Baldwin Walker must, therefore, have made another serious mistake in this instance, either in his letter or in his evidence. That being so, the House, he conceived, was called on to inquire why Mr. Wells was superseded, and why Mr. Cotsell was appointed in his stead. Mr. Wells had no regular official notification of his employment; but a very extraordinary course, and a very unusual one, too, was adopted in this instance; for the Surveyor of the Navy, instead of waiting for the other steps to be taken to complete the appointment, wrote to Mr. Black to inform his friend that he had been appointed master smith in Portsmouth dockyard. Mr. Wells went down on the 22nd of September, and remained until he was discharged on the 2nd of October—exactly ten days. But in the letter of Sir Baldwin Walker it was stated that Mr. Wells had given universal satisfaction in the discharge of his duties, though Sir Baldwin Walker's duty lying chiefly at Somerset House, it was probable he had not been down to the dockyard during those ten days. The Admiral had, however, an officer, a trustworthy man, who had faithfully performed his duty in the service of the Crown as master smith of Chatham; and, as it was in the regular routine, Mr. Cotsell was transferred to Portsmouth, leaving room for the appointment by promotion of no less than four other deserving officers. Where was the corrupt motive here? and if no such motive could be imputed, what, then, was the need of asking for a Committee to inquire into these two appointments? Now, he must say, with regard to the last of the four heads of inquiry, that it seemed to be conceded upon all hands that if a Committee was to be appointed that its scope ought to be enlarged so as to embrace the distribution of patronage generally by the Board; for they must not withhold from themselves facts which were perfectly familiar with regard to the mode in which Government patronage was invariably bestowed. He maintained, then, that they ought to inquire generally how the Admiralty patronage was distributed to those boroughs wherein the Government had influence. Well, suppose then that the inquiry was to be extended into the mode in which the patronage of the Treasury was disposed of; that there was to be inquiry into the mode in which the Board of Control, or any other of the Government departments, bestowed its patronage. Why, it was known very well by every Member of that House, that over and over again applications were made expressly upon the ground of services rendered at the time of elections for a share in the patronage at the disposal of Government. And if there was any Gentleman free from such applications, he must say that he seemed to him to occupy a very extraordinary and a very unusual position. Why should the fact be disguised that a very ready answer was always open to the Gentlemen who did not happen to sit upon the sunny side of the House when they received such applications, that they were unable to comply with them, as it would not be consistent with their position? He (Sir F. Thesiger) must say that the answer had often proved exceedingly inconvenient—perhaps it was the only advantage arising from being in opposition. Why really, with regard to the Government patronage, there should not be this affectation of such extraordinary purity. Hon. Gentlemen must be candid, open, and fair in dealing with the question, and therefore they must acknowledge that they did not want a Select Committee to ascertain how Government patronage was disposed of. It was perfectly well known that the Government of the day were in the habit of conferring upon hon. Members all the offices connected with the Excise and the Post Office within the county or the borough which they happened to represent. Well, then, having attained such experience of how such matters were managed, were they gravely called upon to appoint a Committee to inquire into the way in which the Admiralty disposed of its dockyard patronage in the several boroughs under its control? He ventured to submit that such a course was the merest affectation. Well, he hoped that he had as great an objection as any one could have to bribery and corruption; but he really was unable to see how the disposal of patronage by the Government was to be obviated, unless the Committee recommended that in future it should be placed at the disposal of their (the Opposition) side of the House. He could not imagine that any good whatever could come from the appointment of a Committee to inquire into facts which were perfectly notorious. For, with regard to the specific charges against his hon. Friend the Member for Northamptonshire (Mr. Stafford), they had been met by a distinct and straightforward repudiation. He maintained, then, that the inquiry would be worse than useless—that it would be ridiculous and absurd; that it would be hypocritical, and therefore, in every respect, unworthy of the House of Commons.

Amendment proposed, "To leave out from the word 'Boroughs' to the end of the Question."

Sir JAMES GRAHAM: Sir, the hon. and learned Member who has just sat down has said that we should be free, open, and candid; but I confess that—after having listened to the speech of the hon. and learned Member, and also to that of the hon. Member for Northamptonshire (Mr. Stafford)—at this moment I cannot divine whether they mean to support or to resist the appointment of this Committee. I am very unwilling to be dragged into this discussion, and am ready to admit that in our representative form of government, which naturally entails frequent changes of the governing powers, with respect to a great department like that of the Admiralty, I see great inconvenience and evil to the public service in bringing succeeding Boards into hostile collision, thereby breaking the thread of administration, and introducing angry discord and disorganisation. It has always been my endeavour, to the utmost extent consistently with my duty, not to interfere with the acts of my predecessors, or to show a hostile tone or bearing towards them. I think that what is to myself the most agreeable performance of my duty in what relates to the public, is what I should hold generally to be most advantageous for the public good. I am relieved from one painful feeling in at once declaring that, having listened attentively to this debate, all doubt—I could not allow that doubt to weigh upon my mind, considering my acquaintance with the hon. Member for Northamptonshire—but all doubt, if a shadow of doubt did ever exist, with respect to the personal honour of the hon. Member, is fully and completely removed. It is quite certain that a misunderstanding did arise between honourable men who were officially associated together. The Surveyor of the Navy (Sir Baldwin Walker) wrote a letter, addressed to the Secretary of the Admiralty, which he thought a sense of duty compelled him to write. That letter was not put into the hands of the hon. Gentleman opposite, nor, as is the ordinary course, was it sent through the customary channel; but it was placed in the hands of the senior naval Lord. He, as I believe, communicated it to the First Lord of the

Admiralty, the Duke of Northumberland; and the First Lord having read the letter, requested Admiral Hyde Parker to communicate at the same time with the hon. Member for Northamptonshire (Mr. Stafford) and Sir Baldwin Walker, in the hope of adjusting the differences, and preventing the resignation of the latter gentleman from being carried into effect. Admiral Parker requested an interview with the hon. Gentleman the Secretary of the Admiralty. The interview took place, and a discussion of some length ensued. Admiral Parker tells me he had never heard that the hon. Member had read the letter in question, though it appears he was cognisant of its substance. A discussion took place between Sir Baldwin Walker and the hon. Member with regard to the substance of that letter; and after a discussion of considerable length it was agreed that a circular which had been prepared by the Secretary of the Admiralty, before he came into the room, should be carried into effect. This circular was framed to save the honour of Sir Baldwin Walker with regard to the revocation of an order which had been previously in force; and Sir Baldwin Walker, upon the whole, after some consideration, accepted that arrangement as satisfactory. Here then arises a difference which I think it would be very important that Sir Baldwin Walker should have an opportunity of explaining; and this is one of the reasons why I agree with my right hon. Friend the Member for Portsmouth (Sir F. Baring) in thinking that, even upon the first head of the Motion, some inquiry is indispensable. Sir Baldwin Walker declares he never believed, or had reason to believe, that his letter was not to be put on record when he accepted the other arrangement with regard to the circular; he never, in fact, withdrew the letter. I am bound also to say, having been cognisant of the mode of transacting business at the Board of Admiralty for some time, that upon the face of it, it appears a very strange measure that the hon. Gentleman should upon the 10th of April have written a letter as Secretary, purporting to be by command of the Lords of the Admiralty, to revoke the Order of the former Board without any evidence—I believe the fact being otherwise—of the consent of the Board to such revocation. I am bound to say of the general practice of that Board—and my right hon. Friend the President of the Board of Control (Sir C. Wood) will confirm me in the fact—that from time to time it is indispensable that the First Lord should in his private room constitute a Board, give an order, and sometimes, even without that form, give directions to the Secretary to issue a circular, he himself being responsible for the character of the order. It would not be possible to conduct the business, if this mode of proceeding were not occasionally adopted. I have not the least doubt that the First Lord of the Admiralty was in this case cognisant of the circular written by the hon. Gentleman. I look upon it as a ministerial act upon his part; and the confirmation afterwards by the full Board would make it, in my opinion, a transaction which it would be very unfair and ungenerous to fix personally and individually upon the hon. Gentleman. I think, at the same time, it is a matter to be inquired into and cleared up, what was the reason of the revocation, because I am bound to state, with all my cognisance of the facts which bear immediately upon the question both of the original Order and the revocation, that I think it is impossible to give too high praise to my right hon. Friend the Member for Portsmouth for the Order issued in 1849. If it would not be tedious to the House I will state shortly what the circumstances are with reference to the series of orders. In the year 1833, when the Navy Board and the Victualling Board were abolished, a new arrangement was made with regard to the dockyards and the victualling establishments. The arrangement was, that the officers superintending those yards should, when vacancies or promotions arose, consult the superior officers of the different branches, and recommend to the Secretary of the Admiralty the person whom the Superintendent of the dockyard might consider most fit for the appointment. It is quite true that the proceedings were to be by recommendation to the Secretary of the Board; but there was a practical direction that all letters to the Admiralty from the dockyards should pass through the hands of the Surveyor of the Navy, in Somerset House, so that the Surveyor was cognisant of the recommendations before they were laid before the Board. This went on from the year 1834 until the year 1844, and in that year a change was made. An Order was issued that the Superintendents of the different yards should send up a list of two persons as candidates to fill a vacancy, but without recommendation. This was a material change. The change did not work well.

It led, certainly, to an exercise of favour, not in the yards, but at the Admiralty, and it led to such abuses as to attract public notice. Among others I myself called the attention of my noble Friend the Member for the City of London (Lord J. Russell) in the year 1847, to the then state of promotions in the dockyards. My noble Friend gave me a direct assurance that a remedy should be applied to the evil; and in consequence of his recommendation, Lord Auckland, then at the head of the Admiralty, Mr. Ward being Secretary, directed the attention of the Board to the subject, and the Order of 1847 was issued. That Order reverted in the main to the original arrangement of 1833. It directed that the Superintendents should propose the names of the persons they thought most fit; but the arrangement was that two names should be reserved for the choice of the Admiralty; but the recommendation came not to the Surveyor, as had been the case from 1844, but to the Secretary of the Admiralty. My right hon. Friend the Member for Portsmouth found that that arrangement was imperfect. Upon the recommendation of Sir Baldwin Walker—I have the letter here—it was suggested that an alteration should be made; that the recommendations should not come from the dockyard direct to the Admiralty, but should be made from the dockyard to the Surveyor, and that the Surveyor should report them to the Secretary. That recommendation was adopted by a Board Order. It illustrates what I have said before. Technically it did not pass in the shape of a Board Order; it was a Minute countersigned by my right hon. Friend himself, then the First Lord (Sir F. Baring), and was issued by the Secretary. No alteration ever affected the working of the department better than that alteration so made by my right hon. Friend; and my opinion and belief is, that the revocation of that Order by the late Board was an error. I think, then, this is fit subject for inquiry. What was the effect of the changes I have already pointed out? Which is preferable? Which is it desirable to retain? Does the Order in Council which I had the honour to recommend to the Crown give any stronger effect to the Order of the Board, and is it right or wrong? The whole of this subject is, I think, quite ripe for full inquiry by a Committee of this House; and I think there ought to be the Report of a Committee of this House upon the first branch of the Motion. I now pass on to another head. I have touched upon the two first heads—promotion in the dockyards, and the letter of Sir Baldwin Walker, tendering his resignation. But I should not do justice to my feelings upon this part of the subject, namely, the conduct of Sir Baldwin Walker, if I did not express concurrence in every word that fell from my right hon. Friend the Member for Portsmouth with regard to that gallant officer. Until I went to the Board of Admiralty two or three months ago, I had not the honour of his acquaintance. Like my right hon. Friend, I do not know what are the politics of Sir Baldwin Walker; I only know that a more assiduous, faithful, and able public servant I never had the honour of acting with. What is his condition now? Well, I have heard expressions as to his extraordinary misapprehensions, his unguarded manner of giving evidence on oath, of variances pointed out between his testimony upon the Chatham Election Committee and his recorded opinions in the correspondence upon the table. Considering the character of the gallant officer, considering his station and the important functions he has to discharge, I say this House will act most unjustly towards the gallant officer if they fail to give him an opportunity of removing any variance which may appear to arise between what he has written and what he has said. It has been said by the hon. Gentleman (Mr. Stafford)—a statement which I heard with great pain and great regret—that Sir Baldwin Walker had made improper use of a private letter. Now, Sir, so anxious was I to avoid all undue or premature interference with this case—which I regret upon private grounds, and I have stated the public grounds why I do not think it desirable that hostile conflict should be permitted in the administration of great public departments—that I declare that, until Sir Baldwin Walker's letters were printed and laid upon the table, I had refused to read them; and I read them for the first time when they were about to be presented to the House. But I must say, that having had communications with Sir Baldwin Walker lately with regard to this approaching discussion, I then heard that allegations had been made, that he had in his first letter, tendering his resignation, abused private confidence, and made use of a private letter. He has authorised me to state most solemnly to the House, that that is not the fact—that he carefully avoided all reference to the letter in question, when he wrote his public letter, and that his public letter refers to a conversation he had with the hon. Gentleman (Mr. Stafford), in which the hon. Gentleman pressed him to depart from his rule with regard to political considerations. The hon. Gentleman, he says, pressed him so to do; and it has been represented by my hon. and gallant Friend the Member for Gloucester (Admiral Berkeley), that failing in the personal communication, he sent to Sir Baldwin Walker his private secretary, Mr. Grant, from the Admiralty to Somerset House; that Mr. Grant there repeated solicitations of that description to Sir Baldwin Walker; but, as Sir Baldwin Walker says, he rejected the proposal with considerable indignation, and that he rejected it, as it happens, in the presence of a third person. I am sure after what has been said of the improper use of private letters, it is only just to Sir Baldwin Walker that further inquiry should be made; at all events I should say it would be impossible for hon. Gentlemen opposite, I should imagine, to resist an inquiry when it is demanded under such circumstances. If what I have alleged be untrue, it is impossible that Sir Baldwin Walker can fitly and honourably discharge the duties of the high office he now holds, and the sooner he is removed from it the better; but, upon the other hand, if he should be able to substantiate what I have said then I am quite sure the hon Gentleman the Member for Northamptonshire will be glad to retract the accusation he has made—that there has been an improper use of a private letter. I will now shortly pass over the third head of inquiry, namely, the question with regard to the appointment of Mr. Wells. Here I think, also, there is an absolute necessity for inquiry. There is a document missing. It is not a document of small importance; it is a document termed a submission of the Surveyor of the Navy recommending the appointment—the original document, the first document, upon which it is made. I believe it bears date the 9th of September. It is, as I have said, the original document written by Sir Baldwin Walker to Admiral Hyde Parker, recommending the appointment of Mr. Wells. It was countersigned by Admiral Parker with his initials, and was put into the hands of the then acting Secretary of the Admiralty, Captain Hamilton, and was signed by him. My hon. and gallant Friend (Admiral Berkeley) has read the letter of Captain Hamilton, who has a distinct recollection of the document; he countersigned it, kept it in his posession before he put it into execution, and he gave it to a particular clerk at the Admiralty, whose duty it was to record the appointment. Mr. Piers is his name We have investigated this both before and since the document was lost. Captain Hamilton says he remembers giving it to Mr. Piers; and Mr. Piers has been asked what he did with it. Mr. Piers has stated in writing that he gave the document to one of two persons, either to Mr. Grant, the private secretary of the hon. Gentleman, or to the hon. Gentleman himself. This is distinctly stated. I attach no undue importance to this document, but it becomes of importance from what has been stated by the hon. Member for Marylebone (Sir B. Hall). There is a witness who is prepared to depose, if you grant the Committee, that he saw this document himself at the Admiralty; that it was in the presence of a gentleman whom he does not name, and that it was lying upon a table. Still the document is lost. It is traced either into the possession of Mr. Grant, or of the hon. Gentleman (Mr. Stafford); and there is evidence ready to be adduced that Mr. Cotsell has declared he saw it upon a table at the Admiralty, and saw it removed. Recollect that this touches the character of a great department, and the conduct of the clerks in that department—men, I must say, of as high honour as any Gentleman in this House. It casts suspicion upon the whole body. It is impossible to conduct the affairs of the Admiralty if you have not confidence in these gentlemen. It tarnishes their honour; the character of the Surveyor of the Navy is touched, and also that of the clerks in the most confidential departments; and I say this House will act most unwisely if it refuse to inquire into this branch of the subject also. Then the hon. Gentleman says it was necessary to have a warrant to appoint Mr. Wells to the situation of master smith in Portsmouth yard. It was not so. All military appointments are held by warrant; all civil appointments of a permanent character are held by warrant; but this appointment of Mr. Wells was temporary; it was upon probation, and being an appointment temporary, and upon probation, it was not held by warrant, but by a simple letter of nomination from the Board. Then we had some cavil about the word "appointment." But the hon. Gentleman used the words, "the appointment is cancelled." The letter first announced the nomination of Mr. Wells; it called it an appointment, and the hon. Gentleman, in his letter of October, says the "appointment" is cancelled. That, however, is a small point, and I wish rather to speak to the merits of this case. In the first place, it would be unseemly that Sir Baldwin Walker should have political objects in view. But with regard to Mr. Wells, from whom did his recommendation come? I have here the circumstances under which my right hon. Friend the Member for Portsmouth made the appointment of the master smith at Woolwich dockyard. He was brought from Liverpool on the recommendation of Mr. Black, who in his turn was recommended by Mr. Horsfall, a gentleman who I do not think was any warm partisan of my right hon. Friend the Member for Portsmouth. But what was the cause of that appointment? I had almost said the disgraceful state of the smitheries in Her Majesty's dockyards when contrasted with those of private dockyards. My right hon. Friend while First Lord of the Admiralty, was strongly recommended by Capt. Eden to send to Liverpool for one of the most skilful blacksmiths; and he did so. Something has been said about Mr. Black never having made an anchor: be that as it may, Mr. Black was a person strongly recommended as conversant with the manufacture of marine steam machinery, and was appointed upon trial; and after a trial of six months Capt. Eden said it was the most satisfactory appointment that could possibly be desired, and that the most marked improvements had taken place at Woolwich in consequence of that appointment. There was a fresh vacancy at Portsmouth, and the Surveyor of the Navy, seeing the success of the experiment at Woolwich, recommended the Admiralty again to make the appointment from a private yard, and Mr. Black was applied to recommend a person most competent to fill that vacancy. His recommendation was taken; Mr. Wells was the person whose name he suggested. Full inquiries were made at Liverpool on the subject, and on public grounds—and public grounds only—the appointment of Mr. Wells was made. That appointment was reversed on the return of the hon. Gentleman (Mr. Stafford) from a tour in the Mediterranean; and now the right hon. Gentleman says that no appointment had taken place; but he must pardon me when I say that it was considered in the light of an appointment at the time by all parties concerned. I do not wish to prejudge the case; but I think that political considerations did sway the hon. Gentleman in preferring Mr. Cotsell to Mr. Wells; and the hon. and learned Gentleman who has just sat down will pardon me when I say that Mr. Cotsell was not promoted. It was not a question of promotion, but of removal. [Sir F. THESIGER: Portsmouth is the highest.] No; the salary is the same. He was master smith at Chatham, and it was a mere question of removal, and not of promotion. Far be it from me to grudge promotion to deserving servants in the dockyards. I have always said if you will exclude political influence, and rely upon merit, you may expect everything from merit, and from the praiseworthy exertions of the public servants in the yards. It is only political considerations that destroy the efficiency of the appointments there. But it is alleged that there was a political motive for the removal of Mr. Wells, and the transfer of Mr. Cotsell from Chatham to Portsmouth. It is said that the removal took place for the purpose of giving effect to promotions throughout the yard; and if there had been no political feeling connected with the transaction, the removal would have been a legitimate proceeding; but it is alleged that it was immediately connected with contested elections at Chatham and Liverpool. The hon. and learned Gentleman who has just sat down talks of all inquiries of this kind with scorn and utter contempt; he said they were absurd, foolish, and hypocritical; that universal corruption taints all political parties; and that it was vain to inquire into matters of this kind. Now, I am no purist; and I do say it is impossible to conduct a Government without giving a fair preference to the friends and supporters of the Government; but I say it matters little with reference to the dockyards from whom the nominations emanate; nomination may come in the first instance from political friends; but if you will steadily adhere to the strict examination of all nominees, and to a strict probationary service before they shall be appointed, I care not from whom the nominations emanate; but it is of vital importance when once you admit persons within the yards, that promotion should proceed on the ground of merit, and of merit only. After appointments have taken place, political preferences must be excluded, for without such exclusion there will be no good service. I know the tendency is great—almost irresistible—in favour of the pleasure of acting in cordiality with political friends, and listening to their solicitations, so far as principle and duty will allow; I know the pressure there must have been on the hon. Gentleman. I know not whether the Duke of Northumberland acted wisely or not, but I believe he consulted his own comfort by consenting to leave all his patronage at the Admiralty in the hands of the hon. Gentleman. Well, then, the general election came, and we all know the pressure at a general election—political friends coming and saying you are deserting and betraying us if you do not give to us this nomination or make that appointment in favour of our friend—I am, therefore, disposed to make the largest allowance at such a time. All I desire is, that great precaution shall take place in future; and I think an inquiry conducted by dispassionate men would meet the justice of the case. [An Hon. Member: Not conducted by enemies.] I do not believe the hon. Gentleman has an enemy in this House. What the hon. and learned Member for Stamford (Sir F. Thesiger) says is true; I never yet saw a question affecting the personal feelings and the honour of a Member of this House conducted in any other way in this House than with a proper regard to the feelings of the accused. I think the hon. Gentleman's honour is intact, and quite vindicated by what has taken place to-night. I think there may have been some error of judgment; but, for the sake of the public good, after all that has happened, and for the sake of the honour of a gallant officer whose honour, I believe, is unimpeachable, and who I believe, after such an inquiry, will retire from it unstained, I do hope from all sides of the House that there will be a willingness to grant this inquiry without limiting the sphere of it; and I think, so far from narrowing it, the hon. Baronet the Member for Marylebone would act discreetly if, accepting the recommendation of the hon. and learned Member for Stamford, he enlarged the terms of his Motion, by which the inquiry would be rendered a satisfactory one.

Mr. DISRAELI: Sir, this question, during the discussion, has assumed a various and varying aspect. It has now taken, from the speech of the right hon. Gentleman (Sir James Graham), the form somewhat of an allegation of corrupt administration on the part of the late Government. I must make one remark with reference to the individual who has been mentioned but rarely, but, from the position which he occupied, is much mixed up with it. I need not say I mean the distinguished Nobleman who was then First Lord of the Admiralty. I could have wished, Sir, that almost any other department of the late Administration should be called in question on such a head sooner than the Admiralty, for I can most solemnly and sincerely say, that no individual ever yet presided over any department of the State who had a more conscientious sense of duty, or who was more anxious to exercise his patronage for the good of the service, and of the country at large. I will not say that the Duke of Northumberland is not a partisan: he is, of course, as much a partisan as any other English gentleman; and it is only because he was a member of a great political connexion that he was appealed to by the noble Lord who was called upon to form a Government under circumstances of unparalleled difficulty, to accept in his Administration the responsibility of a great department. Sir, the Duke of Northumberland made great personal sacrifices in accepting that trust. He entered upon the duties of that office with a distinct understanding that he should exercise the patronage of his department for the advantage of the country. I am sure that I might appeal to the right hon. Gentleman who was his predecessor as to the feelings with which the Duke of Northumberland accepted office. I am unwilling to refer to details of this kind, but I think it is my duty to notice them, because it is of great importance that the characters of eminent individuals should not be misunderstood, nor their conduct misinterpreted in this House. Why, now, take this very fact—the Duke of Northumberland, when he acceded to office, was, of course, extremely anxious that he should have the assistance of a competent private secretary—himself not being used to the details of office—of an officer highly qualified for the responsible duties of such a post. The Duke of Northumberland did not inquire respecting his politics; he only inquired into the mode of obtaining the most able and most competent person for that office. He appointed Captain Pelham to that office, although Captain Pelham belonged to a family whose politics were those of the Whig party. Well, that showed the feeling with which the Duke of Northumberland accepted and entered upon office. And what was the next step of the Duke of Northumberland? As First Lord of the Admiralty, he recommended the appointment of Admiral Hyde Parker as First Naval Lord; and the condition that Admiral Hyde Parker made, on accepting the post offered to him, was, that he should be free from all political bias whatever, and that he should not in his conduct be regulated by any party interests. The Duke of Northumberland thought that it was of so much importance to the country and to the naval service that that distinguished officer should take the post of First Naval Lord, that he instantly complied with these conditions, which were communicated to his Colleagues; and so completely did Admiral Hyde Parker fulfil the expectations that were entertained, and so scrupulously were his feelings considered in that regard, that those who succeeded us invited him to continue his labours for the public service, and they at last have sanctioned the excellence of the appointment of which his Grace the Duke of Northumberland was the author and originator. Well now, Sir, I am not anxious to trouble the House with details of this kind, but I think that this is an occasion on which they ought to be noticed. I am quite certain that never were appointments of great importance and preferment of the highest distinction more attentively considered than they were during the ten months in which the late Administration directed the naval affairs of this country. Take the instance of an officer wanted for a special service of importance. Captain Loch, for instance, was selected by the late Administration. Captain Loch was sent to the war at Burmah, where he realised all the expectations of his friends in his regard. Unfortunately his career was brief, but it was one which reflected honour upon his country. But were they the political opinions of Captain Loch that recommended him to the notice of the Duke of Northumberland? Captain Loch was a member of a family whose political opinions were eminently favourable to hon. Gentlemen opposite. Well, I might give instance after instance to show that the Duke of Northumberland considered the patronage that was placed under his care as a solemn trust. I am sure it is an invidious and disagreeable office to refer to the names of the officers whom he appointed to ships, but I could mention the names, without difficulty, of three or four gentlemen appointed to the command of ships of the highest class, all members of the Whig party. I feel, Sir, that it is my duty to refer to these circumstances. I will enter into no invidious comparison of those who have preceded, or of those who may follow, the Duke of Northumberland in the office of First Lord of the Admiralty; but I will say this of him that there never was a First Lord of the Admiralty who had a higher sense of duty, or who performed the duties of his office in a more pure and honourable spirit. Sir, I say that this question which we have under notice to-night has assumed, in the course of the evening, very various aspects. I agree with my hon. and learned Friend the Member for Stamford (Sir F. Thesiger), that if you consider the three allegations that are contained or referred to in the Motion of the hon. Member for Marylebone (Sir B. Hall), I see no reason why the House should not decide upon those statements without referring the matter to a Committee. I do not say that the hon. Baronet has no case. I have my opinion upon that; but I say, all the facts are before us, and the House is competent to decide upon the facts before them. My hon. Friend the Member for Northamptonshire (Mr. Stafford) has explained the circumstances under which the Circular of 1847 was cancelled on the 19th of April, without any order or minute of the Board. You may think his explanation satisfactory, or you may think it insufficient; but you are quite competent, without referring the matter to a Committee, to decide upon that question. With regard to the other point, you have heard the explanation respecting the letter, addressed to my hon. Friend, which never reached him. I thought my hon. Friend went into unnecessary length on that topic. I can easily understand the motives and temper of mind which induced him to dwell upon that point. As for myself, I feel, what I hope all here feel, that where a question of personal veracity is concerned, no matter where any hon. Gentleman may sit, if he rise in this House, and gives the House his word as to a fact, there is no more reasoning upon the subject. That, I am sure, is the feeling that animates us all; and I am quite convinced, if ever we relax our faith in that principle, our discussions will not continue to be pervaded by that amicable spirit which characterises them. That is the second point. Well, now, there is the third. We state, with regard to the case of Mr. Wells, that he was never duly appointed. We say that Mr. Wells never had a warrant. The right hon. Gentleman (Sir J. Graham) said, that it was impossible that he could have a warrant because he was not a warrant officer. The master smith, says the right hon. Baronet, is not a warrant officer, and that my hon. Friend the Member for Northamptonshire had—

Sir JAMES GRAHAM: I said there could be no warrant in Mr. Wells's case.

Mr. DISRAELI: Well, but then I find this document in reference to Mr. Wells:—

> "By the Commissioners for executing the office of Lord High Admiral in the United Kingdom of Great Britain and Ireland.—To Mr. William Wells—Whereas we think fit to appoint you to be master smith in Her Majesty's dockyard at Portsmouth, and you are hereby directed to receive forthwith and take upon yourself the duties of that station, and follow such orders and directions as you shall receive from the superintendents of the said dockyard, or from any other superior officer for the time being. For which this shall be your warrant."

And the most curious part of this matter is, that it is signed under your hand by W. Hamilton, on the 28th day of January, 1853. Why, it is your own warrant. However, that is of no great consequence; but I think it cannot be said that there is not a warrant in the case. My hon. Friend, I thought, went into the whole case of Wells and Cotsell. Gentlemen opposite may not consider his statement satisfactory. They may consider that in that statement he has not met the allegations which have been brought against him. That, however, is matter of opinion. That is a point upon which the House has to decide. I do not see that it is necessary at all, therefore, to bring the matter before a Committee. All I can say is, that, so far as political appointments are concerned, it reaches my ear that Mr. Wells was a professor of the most orthodox political opinions, and that he was supported by a great many friends on the Ministerial side of the House. With regard to Mr. Cotsell, all I can say is, that I know, from circumstances of which I am personally cognisant, that my hon. Friend was anxious that that individual should be promoted; for though Cotsell by the removal would get no increase of salary, yet it was the great object of his life to be master smith at Portsmouth. My hon. Friend had often spoken to me on that topic. He felt a difficulty which the right hon. Baronet, and any one connected with the Admiralty will feel, namely, the difficulty of inducing men engaged in the Government dockyards not to accept the higher salaries offered to them by the owners of private yards. The right hon. Gentleman himself (Sir J. Graham) at the beginning of the Session deplored the fact that in our Government dockyards the wages are lower than in private establishments, and stated that the only way of counteracting the temptation which higher wages offered to men employed in the Government dockyards would be by rigidly adhering to the system of promotion that we have established for compensating those who receive less wages, by appointing them to posts such as that given to Mr. Cotsell. My hon. Friend, when he was Secretary to the Admiralty, was extremely anxious that all promotion should be reserved for those of our own yards, and that strangers should not be brought in from private yards, where they were receiving higher wages than the generality of our workmen. Well, then, there is another point of which this reminds me, in reference to the administration of the Duke of Northumberland, to which I must advert, and that is, the Committee which was appointed for the purpose of inquiring into the best means of manning Her Majesty's Navy. Now, if you look to the composition of that Committee, you certainly will not see any spirit of party actuating the appointment of the Members who sat upon it. I must express my own opinion, that if I had been called upon to decide on this topic, after having heard the charge of the hon. Member for Marylebone, made in, I freely acknowledge, a mild and temperate manner, which I am sure the House quite appreciates—having listened to the ample and complete vindication of my hon. Friend the Member for Northamptonshire, who, I think, not only vindicated his honour, but vindicated the administration of his office as far as he was concerned (for he did not appear to leave a single point unexplained), I should not desire any further inquiry by a Committee. But I admit that as the question has gone on, it has assumed a different form. It is quite impossible that a vote of the House of Commons can decide upon such questions as those which refer to the conduct of Sir Baldwin Walker. I regret that much that has been brought into the discussion with respect to Sir Baldwin Walker was, I think, highly unnecessary; but after what has taken place, it would be most invidious, and perhaps unjust on our part, to omit any means by which that gallant officer will be able to enter into those explanations which have become necessary. For my own part, I have no personal acquaintance with Sir Baldwin Walker. I know him only by reputation, and that is the reputation of a distinguished officer, and, I believe, an honourable man. I have no doubt that he will enter into those explanations that will be satisfactory to himself and just to others. As a public officer, and a public officer of importance, I feel that the discussion of to-night cannot close, as regards Sir Baldwin Walker, without some investigation. Therefore I should recommend my hon. Friend (Mr. Stafford) not to oppose the appointment of this Committee, nor shall I seek in any way to limit the operation of that Committee, although in assenting to it I do so entirely with the view of giving Sir Baldwin Walker an opportunity of vindicating his own honour.

Lord JOHN RUSSELL: I rise chiefly, Sir, for the purpose of saying, that if I thought in the terms of the appointment of the Committee there was any imputation on the personal honour of the hon. Gentleman the Member for Northamptonshire, I should certainly move for the omission of those terms. I do not find that the words contain any imputation, and I can only say I think the hon. Gentleman has successfully vindicated himself. I cannot say I am of the same opinion with respect to the judgment he displayed in cancelling the Minute of the Board of 1849. It appears to me a great principle is involved in the maintenance of that Minute, because the real efficiency of the public service depends on rewards being given in the dockyards for merit only, and on that Minute the whole utility of the dockyards rests. I deny that it resolves itself into a mere question of the exercise of patronage, for I hold that public servants have a right to expect that reward should be given for merit only, and I believe that that is the only method by which they can get officers to work for the public as efficiently as they do in private dockyards. I will only state that the right hon. Gentleman (Mr. Disraeli) seems to me to have very needlessly vindicated the character of the Duke of Northumberland, upon whom I conceive no imputation has been cast. It does not appear in any part of this discussion that any charge is made against him. The Duke of Northumberland and Admiral Hyde Parker seem to have wished to prevent Sir Baldwin Walker feeling hurt at the step which was taken; and on the other hand not to leave any record which they thought on other grounds would be objectionable. At the same time it is very unfortunate, I think, that the matter was not explained to Sir Baldwin Walker at the time, and that he was not made acquainted with all the circumstances of the case. With these observations I shall readily give my vote for the appointment of the Committee.

Captain DUNCOMBE said, that as a member of the late Board of Admiralty, he thought the hon. Member for Northamptonshire (Mr. Stafford) had most ably and satisfactorily vindicated himself from the charges brought against him. He had the honour and the pleasure of knowing Sir Baldwin Walker, having been associated with him in service, and he believed him to be a most able officer, and a most honourable man. At the same time he was bound to say, looking at the evidence Sir Baldwin Walker had given before the Chatham Committee, and at the contents of papers which had been laid before that House, there were discrepancies between the two, which he hoped that officer would be able to explain most satisfactorily, and consistently with his honour as a gentleman.

Mr. NEWDEGATE said, that he was anxious that the House should consider gravely the course they were invited to adopt, which it appeared to him would establish a most dangerous precedent, if they were going to appoint a Committee to investigate facts which had already been fully detailed by an impartial tribunal, composed of members themselves sworn to decide according to the evidence adduced before them, who examined witnesses upon their oaths. The Committee they were now about to appoint were not empowered to take evidence upon oath. He could not fail to deprecate the conduct pursued by the right hon. Baronet (Sir J. Graham) with respect to this subject. Sir Baldwin Walker was examined before the Committee by order of that right hon. Gentleman; but after the case for the petitioners against the return from the Chatham Election had closed by the following observation of Sir Baldwin Walker, "That when the circular, vindicating his conduct, had been issued by the Admiralty, he thought that was sufficient," the right hon. Baronet (Sir J. Graham) appeared not to have thought that at all sufficient, and, although the case of the petitioner had closed, sent down Sir Baldwin Walker to tender further evidence on the subject. He (Mr. Newdegate) must say that he could not give the right hon. Baronet credit for not wishing to impugn the conduct of the late Board of Admiralty.

Sir JAMES GRAHAM said, he must beg to say a few words in reply to what had just been stated by the hon. Member for North Warwickshire. It was not very regular to impute motives, either with respect to his past conduct, to his conduct that night, or to the conduct he would pursue in future. The right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli) had laid it down as a canon that was always observed in that House, that every Gentleman, while worthy of sitting there, was to be believed when he made an assertion. He (Sir J. Graham) disclaimed the motives imputed to him by the hon. Gentleman (Mr. Newdegate); and he might without any impropriety give a proof with respect to the past, which he hoped the House would receive as an earnest for his future conduct with respect to this painful inquiry. When he was informed that evidence would be required from the Admiralty by the Chatham Election Committee, Sir Baldwin Walker asked his advice as to the course he should pursue in circumstances so painful, and involving imputations upon the late Government. He (Sir J. Graham) told him that his course was easy; he advised him to go down to the Committee to answer every question that was put to him, but to tender nothing that would give facility, unless he was asked for anything, in the nature of an attack on the former Government. That was the course he had pursued; and he asked the hon. Gentleman if he should not be more cautious in imputing motives of that kind to him?

Mr. NEWDEGATE said, he could not see why the authorities at the Admiralty should have sent Sir Baldwin Walker down to tender documentary evidence concerning circumstances which had passed in relation to himself, after that gentleman had declared himself satisfied with what had taken place. He thought that the right hon. Baronet had thus placed Sir Baldwin Walker in a most unfavourable position; and he must excuse him (Mr. Newdegate) if he retained the impression which he had at first expressed.

Mr. MONCKTON MILNES said, he wished to ask whether it would not be as well to leave out of the inquiry the circumstances connected with the appointment of Mr. Wells and Mr. Cotsell?

Sir BENJAMIN HALL, in reply, said that he was willing to acquiesce in the desire expressed by the hon. and learned Member for Stamford (Sir F. Thesiger) and in that expressed by his right hon. Friend (Sir J. Graham), and he therefore proposed to strike out all the words after the word "boroughs," in his Motion. He was unwilling to make an attack upon anybody, and would wish to frame his Motion accordingly.

Question, "That the words proposed to be left out stand part of the Question" put, and *negatived.*

Main Question, as amended, put, and *agreed to.*

MALDON ELECTION.

Lord R. GROSVENOR moved an address to the Crown, to issue a Commission to inquire into the existence of corrupt practices in the borough of Maldon. He would put the question of treating in this case entirely aside; but he might say that the Committee had not able to extort evidence from adverse witnessess, who gave their testimony in a very unsatisfactory manner; and he only expressed the opinion of the Committee when he said that a great amount of perjury had been committed. It was, however, shown that the agent for the sitting Member was a gentleman, named Parker, and that when he arrived in the borough, he went to the house of a man who was familiarly known as the "King of the Island," and offered him 150*l.* down for his interest, which was supposed to extend to some twenty or twenty-five votes. This offer was made so openly that the agent of the opposite party, who had been sent as a spy to the enemy's camp, was present at the time. He (Lord R. Grosvenor) had no doubt that an advance was made by the opposite party upon the offer made on behalf of the sitting Member, for the "King of the Island," and all his liege subjects, voted for the unsuccessful candidate. It was proved before the Committee that at the previous election a highly respectable merchant, Mr. Miller, was requested by a standing committee in Maldon to go down and canvass the borough. Mr. Miller inquired what the expenses would be. "Oh," said the agent, "we should be much obliged if, as a preliminary, you would have the goodness to pay 4,000*l.*, which is the amount due to the electors for the last election." Mr. Miller took the opinion of counsel on the point, and he was told by his adviser—the late Mr. Talbot—that if he complied with the request of the Committee he would vitiate his election. He (Lord R. Grosvenor) hoped that, under these circumstances, the House would assent to his Motion.

Motion made, and Question put, "That an humble Address be presented to Her Majesty" [which was read].

MR. BANKES said, he must express his regret that a Motion of so much importance should be brought forward at so late an hour, because he thought no Motion for a Commission ought to be agreed to without full discussion. He had been a member of the Maldon Election Committee, and he must say he thought that bribery had been in no degree proved. He was not acquainted with any case in which he was more confident that no agency was proved that could justify the verdict of the Committee. He (Mr. Bankes) was not satisfied that, legally, power was granted by the Act of Parliament to institute inquiries on the ground of treating only, and he did not think the House was justified in voting for Commissions with reference to former occurrences at elections, unless there was some present case upon which they could found their decision. He supposed, however, that what seemed to be the spirit of the times was not to be resisted, and if the case of Clitheroe was to be taken as a precedent, he thought the case of Maldon could scarcely be distinguished from it.

MR. LIDDELL said that, as a Member of the Committee, the impression produced upon his mind by the evidence, was that the state of the borough of Maldon was very corrupt; he should, therefore, support the Motion for the address.

MR. WALPOLE said, he considered that this was a proper case in which a Commission should issue. The noble Lord (Lord R. Grosvenor) seemed to intimate that he (Mr. Walpole) was looking with a scrutinising eye, as if he wished to stop these inquiries. He only thought that, as they had been entrusted with extraordinary powers, they ought to be careful in applying them. He still thought that treating was not included within the Act of Parliament; but here there was a case of bribery, and, therefore, he should concur in the address which had been moved.

MR. VANSITTART said, he must divide the House against the Motion. He had looked carefully over the evidence, and could only find one case of bribery.

SIR JOHN TYRELL said, he thought it very astounding that, if Maldon was so corrupt a place, the Members had not paid a farthing for their election. If the boroughs were corrupt, it was the Reform Bill made them so, and he advised hon. Gentlemen opposite to take example from the counties. If such evidence as existed in the present case was taken as ground for issuing a Commission, it would be impossible to say how many borough Members would be left in the House.

MR. PHINN said, he must protest against the principle of questioning the decisions of the Select Committees. They should be taken by the House as just and fair.

The House divided:—Ayes 69; Noes 48: Majority 21.

Resolved—

"That the said Address be communicated to The Lords, at a Conference, and their concurrence desired thereto."

Ordered—

"That a Conference be desired with The Lords upon the subject matter of an Address to be presented to Her Majesty under the provisions of the Act of the 15th and 16th of Her present Majesty, cap. 57."

Ordered—

"That Lord Robert Grosvenor do go to The Lords, and desire the said Conference."

The House adjourned at a quarter after One o'clock.

HOUSE OF COMMONS,

Wednesday, April 20, 1853.

PUBLIC HOUSES (SCOTLAND) BILL.

Order for Committee read.

House in Committee.

Clause 1.

SIR HENRY DAVIE moved an Amendment, the object of which was to allow licensed grocers to continue the sale of spirits for consumption on the premises, as at present.

MR. FORBES MACKENZIE said, he must object to the Amendment. The object of the Bill was to put a stop, if possible, to a system which was the cause of most of the mischiefs to which Scotland was at present subject—the system of dram-drinking at grocers' shops by persons who went to such shops for the purchase of other necessary articles; and the Amendment of the hon. Baronet would but perpetuate the mischief so generally complained of.

Mr. JOHN MACGREGOR said, he must deny that any large share of the drunkenness and immorality of Scotland was traceable to the sale of spirits by grocers, and it would be extending a most mischievous principle to the retail traders of the country if such a principle as that embodied in the Bill were to be sanctioned by the House. He should certainly divide the House against the original clause, and take every opportunity which the forms of the House afforded for preventing its passing. It was impossible to make the people of Scotland sober or virtuous by Act of Parliament: that could only be done by improving the education and social comforts of the people, and thus weaning them from the habits of secret and solitary drunkenness which prevailed to so great an extent throughout the country.

Mr. EWART said, he felt as anxious as the hon. Member for Liverpool (Mr. F. Mackenzie) for the promotion of temperance, but not only would the proposed plan be inefficient for the purpose, but it would be in direct opposition to those principles of free trade which the House had pledged itself to support.

Mr. CUMMING BRUCE said, he was quite willing to grant that they could not make people better by Act of Parliament; but this Bill was intended to put an end to a system which encouraged the vice of intemperance, and as such he gave it his cordial support. He thought it was pushing free trade to an unreasonable extent, to say that it was right or proper to make traffic of the happiness and health both of the souls and bodies of the people of Scotland. That was a sort of free trade which he utterly and entirely repudiated. So far as the petitions he had presented to the House were concerned, they rather complained that the Bill did not go far enough. For seeing that in the city of Glasgow alone during the past year upwards of 1,200,000*l*. was expended by the labouring classes in drinking whisky, and being anxious to effect the suppression of the evil, with that object in view the petitioners would even go the length of putting down public-houses altogether.

Mr. HUME said, he would suggest that, as the Government had recently consented to the appointment of a Committee of Inquiry into the licensing system in England, it might be advisable for the hon. Member (Mr. Forbes Mackenzie) to postpone the present measure until the Government had decided whether or not an inquiry should also be made into the licensing system in Scotland. In making this proposal, he begged to say, that he was as anxious as any hon. Gentleman in that House to put an end to the vice of drunkenness, than the increase of which in Scotland of late years he knew of no greater evil. He (Mr. Hume) hoped the hon. Gentleman would therefore take the subject into consideration.

Mr. FORBES MACKENZIE said, that it would be useless to wait for the Report of the Committee appointed to inquire into the licensing system, because it was not to the licensing system but to the mode of regulating public-houses that he objected. Besides, a Committee sat a few years ago on this subject, upon which there were many Scotch Members; and upon the Report of that Committee his present Bill was strictly founded. The clause would not interfere with the trade of the grocers, except to prevent their selling spirits to be drunk on the premises—a practice which it was absolutely necessary to restrain. The Amendment which had been proposed was at variance with the object and principle of the Bill.

Mr. STUART WORTLEY said, he should support the clause, which involved no undue restriction upon trade, but would merely prevent every grocer's shop from becoming a small public-house, where every child or servant who was sent for an ounce of coffee, and had to receive a halfpenny of change, was liable to be tempted and seduced into the vicious habit of spirit drinking. It was in this way that young persons often acquired their first taste for such a depraved indulgence.

Mr. COWAN hoped that this wholesome provision of the Bill would be retained. The evil of spirit drinking prevailed to a fearful extent in Scotland; and it had been recently ascertained by a religious society, that in the city of Edinburgh, with a population of 150,000, there were 975 licensed houses including hotels, 312 of which were opened on the Sabbath, and that on one Sabbath there entered into these public-houses 22,202 men, 11,031 women, 4,631 children under fourteen years of age, and

3,032 children under eight; making a total of about 40,000. He, therefore, cordially approved of this clause; but he thought it would be better if it were to be confined in its operation to towns and boroughs, in order to prevent hardship in remote districts.

Mr. CRAUFURD said, he considered the clause mere surplusage. The means of checking the evil were already in the hands of the magistrates, and the clause involved a censure upon that body in Scotland.

Mr. DUNLOP would support the clause, believing that the magistrates did not exercise the discretionary powers which were entrusted to them. The present system of licensing grocers' shops was a snare and a trap to the innocent.

Mr. FERGUS said, he must protest against free trade being in any way connected with a Bill for the regulation of the licensing system. This was entirely a measure of police, and, like the Factory and other Acts, was intended to afford protection to those who could not protect themselves.

The LORD ADVOCATE said, he thought it scarcely fair to the hon. Gentleman who brought forward this Bill to ask him to defer it in order to consider the propriety of appointing a Committee to examine the general question. The object of this Bill was to check a great and crying moral evil, which almost overshadowed every other evil that existed in Scotland; but he was afraid they could not very effectually cope with it by provisions of this kind. At the same time he did not think the Bill interfered with free trade—he looked upon it as being substantially a police regulation; and although this clause might not reach the root of the evil, yet it would remove a very great temptation to which the lower classes of Scotland were exposed. He would not now inquire what was the cause of the growing intemperance among the people of Scotland—he would only say that he met with it at every turn in his professional avocations, and the criminal statistics of the country told its glaring magnitude; and certainly he was not disposed to pry too curiously into the abstract principle of any remedy that was likely to diminish the evil. Now this clause proposed that the sale of whisky across the counter should not be combined with the sale of the ordinary provisions of a household; and this suggestion was founded not merely upon the general experience of the community, but also of many benevolent and philanthropic inquirers who had made this subject their anxious study, and upon whose testimony he could not doubt that the first origin of this most pernicious habit was, in the large towns, in a great degree to be traced to the fact that articles of grocery could only be obtained at shops which were licensed to sell spirits. He, therefore, could not refuse his assent to this clause, and he thought the remedy it proposed ought to have a fair trial.

Mr. HEYWORTH said, he was decidedly opposed to the Amendment. The drinking usages of the country annually killed 60,000 persons, and ought to arrest the attention of that House. He would be glad to see the sharp end of the wedge introduced by this Bill, and he hoped the day would soon come when the House would look upon intoxicating liquors as poison, and legislate accordingly.

Mr. STAPLETON said, he also would support the clause, and he could vindicate the Bill from the charge of interfering with trade. It only separated two kinds of trade which were very distinct, and the combination of which at present engendered great social mischief.

Mr. HUME said, he never could believe that these vicious propensities were generated by the licensing system. They might depend upon it that there would be little fear of children demanding spirits at the grocers' shops if they had not had the example set them by their parents at their own homes. If he thought that they could reach the root of the evil in that way, he would be ready to support the introduction of the Maine Law (entirely prohibiting the sale of spirits) into this country.

Mr. CUMMING BRUCE said, he saw no reason why the rural districts should be excluded from the benefit of the operation of the clause.

Mr. KINNAIRD said, he entirely approved of the clause as it stood, and hoped that the hon. Member for Liverpool (Mr. F. Mackenzie) would persist in retaining it.

Mr. JAMES MACGREGOR said, he should support the clause, and he hailed the Bill as a step in the right direction.

Mr. ELLIOT said, he must defend the conduct of the magistrates in Scotland. In his own county every effort had been made by them; but they were found to be ineffectual. The great object of the Bill was to put an end to drunkenness; but the hon. Member for Liverpool had omitted to deal with one of the worst causes of that evil, the licensing of tollhouses—a practice peculiar to Scotland; and he hoped, therefore, that a clause would be added to that effect.

Mr. DUNCAN said, he agreed with the hon. Member who had last spoken, that the licensed tollhouses were a public nuisance in Scotland. The evils attached to the present system of selling spirits in that country, were scarcely known to the House in all their deformity. He therefore supported the clause.

Mr. FORBES MACKENZIE said, he would give his attention to the suggestion as regarded tollhouses.

Mr. DRUMMOND said, he was as much opposed as any man to the desecration of the Sabbath, but in his opinion the superstitious reverence paid to the observance of that day in Scotland was one very great cause of drunkenness. Some of the religious bodies regarded it almost as a sin for people to take a walk on Sunday. ["Oh, oh!" *and* "Hear, hear!"] He should be sorry to have to adduce instances which had occurred within his own knowledge; but he believed he was speaking in the presence of many Gentlemen who knew the truth of what he was stating; and he said, if they restrained the people from the ordinary recreations to which they were religiously entitled, they must force them to the sole remaining enjoyment for which they cared, namely, perpetual drunkenness. He spoke upon good authority when he said, that in the town of Glasgow alone, 30,000 people every Saturday night steeped themselves in whisky and opium, and lay in a state of perfect insensibility till Monday morning. Now, how was this to be remedied? Certainly not by legislation, but by the common sense of the higher orders setting their face against the absurd superstition to which he had referred; and if these classes set the example, the people would gladly follow them; and then, instead of this pharisaical paying of "tithe of anise and cummin," the weightier matters of the law would be respected.

Mr. ALEXANDER HASTIE said, he must admit that too much whisky was consumed in Glasgow; but the same charge would apply to the consumption of spirits in the large towns of England. He believed that the hon. Member for West Surrey (Mr. Drummond) was entirely mistaken in the idea that the people were not allowed recreation on Sunday, and also that 30,000 people in Glasgow were drunk from Saturday to Monday. That charge had been made before, but had been shown to be erroneous. The clause, it was said, would have a tendency to remedy the evil that undoubtedly existed; and for that reason, although he was not convinced it would have that effect, he would support it.

Sir HENRY DAVIE said, that seeing the feeling of the Committee was against his Amendment, he would, with their consent, withdraw it.

Amendment *withdrawn.*

Clause agreed to; as were also the remaining Clauses.

After slight discussion, Schedules, as amended, *agreed to.*

Committee report progress.

House resumed.

MAYO ELECTION COMMITTEE.

Lord HARRY VANE reported that the Committee had determined—

> "That George Henry Moore, esquire, and George Gore Ousley Higgins, esquire, are duly elected Knights of the Shire to serve in this present Parliament for the County of Mayo."

Also that the Committee had agreed to the following Resolution:—

> "That it appears from evidence given before the Committee, that there was great abuse of spiritual influence on the part of a great body of the Roman Catholic priesthood during the last Election for the County of Mayo."

Report to lie on the table.

JUDGES' EXCLUSION BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. DRUMMOND said, he intended to move that Mr. Speaker do not leave the chair till this day six months—that was, that the Bill be not committed till then. However, he would be satisfied at present to state that he thought the Bill most destructive and objectionable in its tendency; thinking it would be better to let it pass this stage unopposed, he gave notice that on the third reading it would certainly meet with his opposition.

House in Committee.

Clauses 1 and 2 *agreed to.*

Mr. HUME moved, that the Recorder of the City of London, shall, during his continuance in office as such Recorder, be incapable of being elected or sitting as a Member of the House of Commons.

Mr. STUART WORTLEY said, that if the words were inserted in the Schedule, it would have the effect of disqualifying the present Recorder.

Mr. HUME said, he did not intend that his Amendment should apply to the present Recorder; therefore, he would move the insertion of the words in the Schedule, and if necessary bring up a clause preserving the right of the present Recorder.

Mr. STUART WORTLEY said, he begged to tender his acknowledgments to the hon. Member for Montrose for his disclaiming any desire to affect him (Mr. Wortley) personally, but that, painful as it was to him to address the Committee on a matter personal to himself, he did not think he should be doing his duty to that House or to the office which he held, as well as to his constituents, and whose rights it was proposed arbitrarily to abridge, if he did not state what were the duties of the office, the holder of which it was now proposed to exclude from the House of Commons. There were in the Schedule other Judges, who, like the Recorder of London, were not included among the Superior Judges, and the introducer of the Bill only intended it to apply to Superior Judges. The principle of the Bill was not in question to-day, and, if it were, he should shrink from taking any part in the discussion on it, and he should take no part in a division on the present question if one took place; but he was anxious to draw the attention of the Committee to the distinction which existed between this office and those to which his noble Friend (Lord Hotham) had alluded in introducing the Bill. The principle of the Bill was to exclude all judicial officers whose duties were so absorbing that they could not attend to the duties required by their offices and to their duties in this House; and also that their position was so exalted, that it would depreciate their dignity if they sought to be returned by popular elections, or had seats in that House. Another ground taken by the supporters of the Bill was, that the Judges were in the service of the Crown, and were appointed by the Crown. He could show that the Recorder of London did not come within any one of those three characters. The Recorder of London was not appointed by the Crown, but from time immemorial had been elected by the Corporation of London; and it was one of the privileges for which the Corporation felt the greatest attachment, that of electing their own judicial officers. The Recorder of London was not a public servant, and received no pay either from the Crown or the country, and so far was as independent as any other Member. He had no rank at Court, or in any assembly beyond the City, and his jurisdiction was limited to the City itself. What were his duties? In the first place, he was the law adviser of the Corporation, and on all occasions their mouthpiece. He had a duty in an humble degree analogous to the Speaker of that House, as he preserved order at the meetings of the Corporation, and put the question. He also attended at certain ceremonies, and attended to advise the committees of the Corporation. Those were his official duties, and there was nothing in them inconsistent with his performance of the duties of that House. What were his judicial duties? In the first place, he was a Judge of the Lord Mayor's Court, the jurisdiction of which extended only to the City; and though it sat every month, and the monopoly which it once enjoyed was abolished, it was not overburdened with business. The great business of the Recorder of London as a Judge was at the Central Criminal Court. With respect to his other duties he was so situated as to have the command of every evening; and as respected the duties of that Court he was in the same situation as Lord Denman was when he was Common Serjeant, and as Mr. Russell Gurney and the Common Serjeant were now—namely, that he was only one of the Commissioners appointed by the Act of Parliament to assist in constituting that Court; and if that was a disqualification the exclusion should extend to those other officers also, for as regarded their time, although they were occupied in the mornings, their evenings were at their command. As regarded the morning business of the House, he could only say that whenever he was called on he was ready to serve, and did so, and so had his predecessor in the office, nor had they made any claim to be excused. Such was the liberal provision made by the City of London for the administration of criminal justice, that if he was absent for a few hours it would still go on. There were Members of that House who were Justices and Chairmen of Quarter Sessions who tried and transported prisoners, and had an extensive jurisdiction, and it was not thought inconsistent with their dignity to have seats in that House. It had long been allowed to Serjeants-at-law to try, not only prisoners, but civil cases, on circuits; and Queen's Counsel who, until lately, were confined to trying prisoners, now had their powers extended to the trying of civil cases, and they, as well as Serjeants, were allowed to go circuits to supply the place of the Judges, and many of them were Members of that House. It might be flattering to put the Recorder of London on the same level as the Master of the Rolls and the other Superior Judges; but there was no such analogy between them as regarded exalted position, as to render the office of Recorder and no descending to the lower arts of inconsistent with a seat in that House. As to its being humiliating to seek the suffrages of popular constituencies, did not the right hon. Gentleman who filled the chair in that House seek a popular election? If there was no misconduct popular elections, there was nothing beneath any one's dignity in that proceeding. He (Mr. Wortley) believed that in the exercise of the duties of his office, whether official or judicial, so far from being shackled by being a Member of that House, he stood in a better position before the Corporation of London, and that it rather favoured than injured him in the administration of criminal justice. To himself and to the office he held, one of the objections which had been urged in favour of the exclusion of other offices did not apply; for, so far from being much absent from London, he was obliged to be constantly there, and so was always on the spot to perform his duties as a Member of that House. The argument on the question he should now leave to the House, nor should he, as he had stated, take any part in the division, if one took place.

MR. HUME said, he begged to disclaim any wish to make his Amendment personal to the right hon. and learned Gentleman; but he must say that he considered the office which he held to be incompatible with a seat in Parliament. At the time the Masters in Chancery and other persons were excluded, the question of the office of Recorder came under consideration. At that time the Courts were held only two or three times a year; but now the Sessions were held monthly, and supposing them to last only a week, the Recorder's time was taken up with his judicial duties for more than a quarter of the year. He thought the less Judges had to do with popular constituencies the better.

SIR GEORGE GREY said, he was not present during the discussion on the second reading of the Bill; but as he understood that the hon. Member for West Surrey (Mr. Drummond) had given notice that day that he would raise the question on the third reading, he would only now say, that he had great doubts of the policy of the Bill; and those doubts were advanced by what he had heard during the present discussion. If there was sufficient ground for excluding all the judicial officers enumerated in the schedule, there were still stronger for excluding the Recorder of London, looking at the nature of his criminal jurisdiction. But if there were sufficient grounds for his exclusion, he did not see why the Recorder of Liverpool, or Hull, or Bristol, should not be excluded also. He believed that the course which was now being taken with regard to the exclusion of Judges from that House was not a wise one, and he was one who regretted the exclusion of the Judge of the Admiralty Court, and he believed that since the passing of the Bill for his exclusion, many persons had changed their opinion on the subject. He should vote against the Amendment, and he intended to vote against the third reading of the Bill, thinking, as he did, that the principle of exclusion had been carried far enough,

MR. WHITESIDE said, he wished to say a few words with regard to an Amendment which he had proposed to the same effect with regard to the Recorder of Dublin. Whatever arguments might be urged to justify the admission of the Recorder of London, he did not think he should hear any justification with regard to the Recorder of Dublin. The right hon. and learned Gentleman (Mr. S. Wortley) said that the appointment of the Recorder of London was not made by the Crown; but under the Municipal Corporation Act it was provided that the Recorder of Dublin should be appointed by the Crown, and he believed part of his salary was paid also by the Crown; so that the argument of the right hon. and learned Gentleman as to the independence of the Recorder of London did not apply to the case of the Recorder of Dublin. The Recorder of Dublin had besides a very extensive jurisdiction, and had much to do: he revised the jury lists, heard poor-law cases, and presided in a small-debt court, in which a vast number of cases were tried, and all this besides his duty in the criminal court. It would be difficult to say that such an officer could attend in that House compatibly with his other duties; there was therefore a marked distinction betweeen the Recorders of London and Dublin.

The ATTORNEY GENERAL said, he would not say a word on the principle of the Bill, but as regarded the Amendment proposed, he thought it was pushing the exclusion of judicial functionaries a great deal too far. He could not see why on the same principle all Recorders should not be excluded, as they performed exactly the same functions as the Recorder of London, although his position was considered more dignified. As had been said by his right hon. and learned Friend (Mr. Wortley) he was similarly circumstanced as other Members, who as Serjeants and Queen's Counsel discharged the functions of Judges on circuit. Would the hon. Member for Montrose (Mr. Hume) exclude all Queen's Counsel and Serjeants from that House? If he did, he would exclude the *élite* of the profession; and although some might think that the exclusion of lawyers from that House would not be a bad thing, and although they did perhaps add to the amusement of the House, still there being some Members of the legal profession might add to the information of the House on professional subjects. He could understand the cogency of an argument which had been urged against superior Judges, such as the Master of the Rolls, having seats in that House, and which was, that they might be involved in legal discussion with other lawyers in inferior position to themselves who might differ with them, and that this would tend to lower their dignity. But that objection did not apply to criminal Judges. As the line must be drawn somewhere, he thought it would be safe to draw it at the point of the Master of the Rolls. With regard to the incompatibility of the duties of the Recorder of London and a Member of that House, he must remind the hon. Member for Montrose that other Gentlemen claimed exemption from some of their duties as Members on account of their official position, and some on account of their age. He had heard the hon. Member himself claim exemption from Election Committees, and would that be a reason for saying he was not as fit as any one to have a seat in that House? and there was no one who would not regret that he should be so excluded. He admitted that the Recorder of London, while he was sitting at the Central Criminal Court, could not attend a Committee on a morning sitting of the House; but the inconvenience must be balanced against the convenience of having a certain class of Members in the House. He should strenuously oppose the Amendment.

Mr. LABOUCHERE said, that the question of incompatibility in a Member to discharge his duties was for the constituency to decide. As to the general question, he took the same view as his right hon. Friend the Member for Morpeth (Sir G. Grey) and he believed that the principle of the exclusion of Judges from Parliament had been pushed not only far enough, but too far; and he believed that the debates had lost by the exclusion of the Judge of the Admiralty Court, as there were often questions of public law on which he was competent to give information. If it was pushed further, to the exclusion of the Recorder of London, it must be extended to all Recorders, and they would thus deprive the House of the assistance of many eminent lawyers. He should be glad if the Bill did not pass through the House, and he should oppose the Amendment.

Mr. ATHERTON said, he still adhered to the opinion he had expressed on the second reading of the Bill, that, by confining the exclusion from that House to the Judges of the Superior Courts, they would sustain, and would, if possible, add to the efficiency and lustre of the eminent persons who filled those distinguished situations, while they would at the same time escape the evil of unduly narrowing the limit of selection for Members of that House. He considered that if the Committee acceded to the Amendment, they would fail to draw the proper line, because, if the Recorder of London was to be included in the schedule, and was declared ineligible to sit in the House of Commons, he did not see why they should not also exclude every recorder, every chairman of quarter-sessions, and every magistrate included in the commission of assize. It was, in fact, difficult to say where they were to stop. He thought it could not be denied that, by such exclusion, the House would deprive itself of very great assistance; and he considered that it would also interfere improperly with the privileges of the electors, by unduly limiting the classes from whom they might select representatives.

Viscount MONCK said, he thought the best mode of dealing with a matter of this kind was to apply to it the test of experience. Now, the present Recorder of London had sat in that House ever since his appointment; but he (Viscount Monck) never heard that the learned Gentleman's judicial or official duties had interfered with his attendance in that House. Many hon. Gentlemen might also recollect that the Recorder of Dublin had formerly enjoyed a seat in that House; and he was sure he might with confidence appeal to them, whether the assiduity of that learned Gentleman's attendance to his Parliamentary duties was not equal to the ability and attention with which he discharged his judicial functions? He thought, then, that if the right hon. Gentleman could perform both duties satisfactorily to his constituents and to the public, the argument as to convenience entirely fell to the ground. The duties of Members of that House might be regarded as of two kinds. One of their duties was to attend the debates; and, in his opinion, this was a question as to which their conduct was to be judged of solely by their constituencies. Their other duty was to attend Parliamentary Committees; but as that was a mere matter affecting the convenience of the House, which granted many exemptions on the ground of official duties and of age, he did not see why they might not pay some regard to the convenience of hon. Gentlemen who occupied such judicial positions as those of the learned Recorders.

MR. HENLEY said, he cordially agreed in the principle of the Bill, but he should be sorry to see its operation extended beyond the Judges of the Superior Courts. He could not but apprehend that if an attempt were made to carry it further, its adoption by the House on the third reading might be seriously endangered. He would, therefore, suggest to the hon. Member for Montrose (Mr. Hume) that he should withdraw his Amendment for the present, and that after the Bill should have been read a third time he should move the addition of a clause for the purpose of carrying out the object which he had in view, if he should still think the attainment of that object desirable. He would by that means secure a fair consideration for his proposal, while he would avoid the risk of strengthening the hands of those who were altogether opposed to the measure.

SIR ROBERT H. INGLIS said, he objected to the Bill, and he objected not less to the clause now under consideration, which strangely proceeded from one of those hon. Members who professed an anxiety to extend the eligibility of their fellow-subjects, without reference to their creed or any other qualification. The Recorder of London was elected for life, and was as independent of the Crown or of that House as any human being. The objection was simply to the judicial character of the office. If so, it was impossible to resist the conclusion that not only must the House exclude all other Judges *in esse*, all other recorders, and all chairmen of quarter-sessions, but all Judges *in posse;* in other words, all Serjeants-at-law who as such are named in every Commission, and who may be called upon in any assize to sit as Judges. Other Recorders, indeed, might have duties elsewhere; but with respect to the Recorder of London, whom alone it was proposed to exclude, there was this special exception in his favour—that he was in jaxtaposition with the scene of his duties. He trusted that House would never so stultify itself as to exclude from a share in its debates men so pre-eminently qualified to throw light on the various subjects which came under discussion. It reminded him of the old practice of striking Election Committees in the House, when the object of each party was "to strike out the brains," as it was called. So far from disqualifying the Recorder of London from sitting here, he agreed with his late friend Mr. Charles Buller, whom he had heard express an opinion in favour of the repeal of the Statute by which the Judge of the Admiralty Court was excluded. As to the question of the Master of the Rolls being in Parliament, he thought some confusion existed between seeing the Master of the Rolls canvassing a borough constituency and sitting in that House. It was held that the canvass of a borough constituency involved a subserviency inconsistent with the dignity of his high office; but such a canvass was not a necessary incident of an election. Objecting, as he did, to the exclusion of the Master of the Rolls by the original Bill, he equally and entirely objected to the introduction of the clause, and he hoped the Committee would, by a large majority, reject it.

MR. HUME said, it appeared to him that the course recommended by the right hon. Member for Oxfordshire (Mr. Henley) would materially save the time of the House. He should be very sorry to endanger the success of the Bill, and, as on the third reading he could take the sense of the House on this question, he would withdraw his Amendment for the present, with the understanding that on the third reading he would move a clause to the same effect.

Lord SEYMOUR said, he should like to hear the schedule read, in order to see who were termed the Judges of the Superior Courts.

The **CHAIRMAN** proceeded to read the schedule—Master of the Rolls in England, Official Principal of the Arches Court of Canterbury.

Sir GEORGE GREY: Is he a Judge of a Superior Court?

Lord HOTHAM said, the official principal of the Arches Court of Canterbury, who was commonly called the Judge of the Ecclesiastical Court, was at the head of that court, and decided appeals which were sent up to him from the lower courts. He (Lord Hotham) conceived, therefore, that that learned functionary came under the designation of a Judge of the superior courts. He might observe that no less than five Bills for altering and reforming the Ecclesiastical Courts had been proposed in Parliament, and that every one of those Bills contained a clause excluding the Judge of the Ecclesiastical Court from a seat in the House of Commons. On this ground, then, as he was informed the Judge of the Ecclesiastical Court could not with propriety be regarded otherwise than as a Judge of a superior court, he had inserted him in the schedule.

Sir GEORGE GREY said, he wished to know whether it was proposed by the schedule to exclude from that House persons holding judicial offices on the ground that they were Judges of superior courts? The Judge of the Ecclesiastical Court for the province of York (Mr. Granville Vernon) had sat for a long time in that House, and he believed no one had ever thought of proposing his exclusion. He (Sir G. Grey) wished to know whether there were any special reasons for considering these functionaries Judges of the superior courts?

Lord HOTHAM said, that when he consulted a professional gentleman with reference to the offices to be comprised in the schedule, he was asked, "What will be said if you include the Judge of the province of Canterbury, and omit the Judge of the province of York, and you a Yorkshireman, too?" He was informed that the hon. Member (Mr. Granville Vernon) occupied the same position in the province of York as was occupied by Sir John Dodson in the province of Canterbury, and he therefore included the office of the former Gentleman in the schedule. Indeed, he had endeavoured to include in the schedule all those who could be properly considered as Judges of superior courts; and if he could be satisfied that he had inserted any officer who was not the Judge of a superior court, he would be ready at once to withdraw the name.

Mr. GRANVILLE E. VERNON had not intended to have said one word in this discussion, but he believed the Committee would understand his reasons for then rising, and that they would also appreciate the motives of his previous silence. A near relative of his had been alluded to, and as the present Bill proposed to exclude the holder of the office which that relative had the honour to hold, he (Mr. Vernon) had intended to have taken no part in discussions on the Bill in Committee, as he did not wish to rest his opposition to it on any but public grounds. It was in the recollection of many hon. Members that his father held a seat in Parliament for more than fifteen years—that he was a diligent, able, and useful Member of that House. As far as his father was concerned, this measure might have no personal bearing. He (Mr. Vernon) was not aware that his father had any intention of re-entering political life. He quite concurred in the course which the hon. Member for West Surrey and the right hon. Baronet (Sir G. Grey) proposed to take, and he should reserve his opposition to the Bill until the third reading. He thought that the whole Bill was vicious in principle. He objected on constitutional grounds to thus narrowing the choice of the constituency. He objected to the exclusion of so much of that intelligence, that information, and those services which it ought to be the object of that House to secure; and while he should decline to make particular objections to this or that office being inserted in the schedule, he should in common, as he hoped with a majority of the House, vote against the third reading.

Mr. Serjeant MURPHY said, he thought, that as reforms in the Ecclesiastical Courts were about to be proposed for the consideration of Parliament, it would be unwise now to leave in this schedule of persons to be ineligible the names of the Judges of the Arches Court and the Prerogative Courts, who would be able to explain the operation of any changes that might be recommended in regard to those courts. These functionaries did not come within the category of Judges of the superior courts in the meaning that had been attached to that term in excluding Judges from that House; and their exclusion would better form part of a scheme for the reform of the Ecclesiastical Courts.

Sir **WILLIAM VERNER** said, he believed the schedule involved the supporters of the Bill in great difficulties, from which he had no desire to relieve them, as he intended to vote with the hon. Member for West Surrey (Mr. Drummond) on the third reading.

Lord HOTHAM said, he could not think that a sufficient reason for striking out of the schedule the names of officers whose exclusion from Parliament had been over and over again recommended by Committees of that House.

Mr. VERNON SMITH said, he had not heard the noble Lord (Lord Hotham) say that his Bill was confined to Judges of the superior courts. It had been the argument of a right hon. Gentleman opposite, who would probably have some difficulty in proving that these officers came within that definition. However, he (Mr. V. Smith) intended to vote against the whole Bill on the third reading, and he thought this discussion showed the difficulties attending such a measure.

Mr. HENLEY said, he would not pretend to be peculiarly skilled in determining the application of a particular term to these Judges, but he believed they were the principal ecclesiastical authorities of the country.

Mr. MALINS said, that their jurisdiction extended to matters of the highest importance, and their courts were attended by all the civilians, including the Queen's Advocate—a law officer of the Crown who took precedence of the Attorney General and the Solicitor General. It would be inconsistent to have excluded from Parliament the Vice-Chancellors and the Judge of the Admiralty Court, and, by the second reading of this Bill, to have sanctioned the exclusion of the Master of the Rolls, on the ground that their occupations were inconsistent with attendance at a contested election and in Parliament, and now to allow a technical objection that the Judge of the Prerogative Court was not a Judge of one of the superior courts, though he certainly was so, in the meaning of measures of this class.

Schedule *agreed to;* the House resumed, Bill reported.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, April 21, 1853.

Minutes.] *Sat First in Parliament.*—The Lord Dacre, after the death of his Brother.

Took the Oaths.—The Lord Wigan; Several Lords.

Public Bills.—1ª Common Lodging Houses.

SURRENDER OF CRIMINALS—CONVENTION WITH FRANCE.

In a reply to a question from the Earl of Sandwich,

The **Earl of CLARENDON** said, that he could not at the present moment pronounce a decided opinion as to what were the exact intentions of the Government regarding the mode in which the question of the mutual surrender of criminals would be dealt with. Their Lordships, however, were perfectly aware, from what had passed during the last Session of Parliament, that the subject was surrounded with a great deal of difficulty, technical as well as practical; and although he quite agreed with the noble Earl opposite that it was most important to come to a settlement upon the question, tending as that adjustment should do to promote a more friendly feeling between this country and France—and though he was quite sure that when any measure that ought to receive the sanction of Parliament was brought forward that it would be discussed in their Lordships' House without any exhibition of party feeling—yet he was so sensible of the importance of preparing a measure likely to receive that sanction, that he was not then in a position to announce any intention on the part of the Government to bring forward such a measure. He could, however, assure the noble Earl that the subject was under consideration.

The **Earl of MALMESBURY** said, that as he was the Secretary of State for Foreign Affairs who signed the Convention with France, to which the noble Earl (the Earl of Sandwich) had alluded, he might perhaps be permitted to remark, that although he coincided in the opinion of the noble Earl opposite, that there were a great many technical difficulties standing in the way of the improvement of the Convention laws on this subject, still he must declare that those difficulties would be very considerably lightened and lessened if noble Lords on his (the Earl of Malmesbury's) side of the House abstained from imitating the conduct pursued by noble Lords opposite on this subject when he held the position now occupied by the noble Earl (the Earl of Clarendon). And if their Lordships would but bear in mind that the Convention which had been so signed by him was neither his invention nor his act—notwithstanding all the misrepresentations which had been made, not only in their Lordships' House but by the public press—and misrepresentations which he must say could only have originated in party feeling, and which derived from thence their only palliation—in the face, then, of all these false accusations, and the fact that the Convention was the act of the Administration which preceded that of Lord Derby—and considering also that the only addition and alteration which he made in it was one which would defend refugees from being kidnapped back to France upon false accusations—he felt bound to protest against the way in which his name had been coupled with this Convention, as in fact being its author.

The LORD CHANCELLOR felt bound on the part of every noble Lord who had opposed the Bill of the noble Earl who had just sat down, to disclaim the idea that party feeling had in the lest degree dictated that opposition. There had been no intention on his side the House to thwart the progress of the measure through Parliament; on the contrary, care had been taken to point out that the responsibility of the error originally committed rested with the Administration which preceded that of the noble Earl. But it had occurred to him, and the feeling was shared in by his noble Friend the Lord Chief Justice, that there were difficulties standing in the way of the Bill of the noble Earl (the Earl of Malmesbury) which were actually insurmountable; and he could not help feeling that that opinion was participated in by the noble and learned Lord who, being his predecessor on the woolsack (Lord St. Leonards) would, if he had not thought so, have pointed out the way to surmount them. And, indeed, if he was not greatly mistaken, the noble Earl withdrew the Bill, influenced by a similar idea that there were insuperable obstacles to its progress. To suppose, however, that on the discussion of how best criminals might be brought to justice, opportunity was taken of making a display of party feeling, was, he must say, a supposition not very creditable to their Lordships' House. He could only say then, for himself and others, that the Bill of the noble Earl had been opposed simply because in its then state it was felt that it could never be productive of any good.

LORD CAMPBELL could also testify that on the occasion alluded to by the noble Earl, the earnest wish and anxiety of noble Lords sitting on his (Lord Campbell's) side of the House had been, *optimâ fide*, to assist him in his endeavours. He certainly never remembered any blame being imputed to the noble Earl; and the object of those who agreed with him (Lord Campbell) was to induce the noble Earl to amend the Convention, rather than to introduce a new measure. And advice was given, over and over again, that he should rather try to amend the existing Convention in such a manner as would meet the wishes of France and England. The noble Earl's motives were most excellent; and had that been done, the noble Earl would have received the cordial support of noble Lords on his side of the House, in framing a Bill according to the amended Convention.

The MARQUESS of CLANRICARDE, as a Member of the Government which had originally framed the Convention Act, was anxious to say that though he had opposed the Bill of the noble Earl, nevertheless he had never joined in any misrepresentation made in his regard. He must, however, emphatically deny that that Government, under the circumstances in which it was placed, had decided upon submitting to Parliament any measure in the shape of that brought forward by the noble Earl, though he was at the same time aware that the draft of a Bill had been prepared for submission to the Cabinet. He was bound, however, to add, that in producing the measure which he did, the noble Earl was actuated by the best possible intentions, and that his motives were excellent, while he felt called upon to oppose his Bill, believing that it was one which ought not to receive the sanction of Parliament.

EARL GRANVILLE contended that there had been no misrepresentation of the noble Earl's conduct and motives in that House. The noble Earl had made the same imputation against that side of the House once before; and on that occasion he (Earl Granville) had given a statement of what had taken place. He had stated, as fully as was in his power, what was the share which the Government of which he was a member had had in this Convention. After that explanation, he thought that nothing could justify the noble Earl in accusing that side of the House of want of candour, or in making the charges against it which he had made that evening.

The Earl of MALMESBURY concurred in much of the spirit of the speeches now made by the noble Earl (Earl Granville) and by the noble Marquess. There was, however, an essential difference both in the spirit and in the matter of what both the noble Earl and the noble Marquess said in the discussion referred to.

KINGSTON-UPON-HULL ELECTION.

The Earl of ABERDEEN, in moving that their Lordships concur with the Commons in the Address to Her Majesty for a Commission to inquire into the alleged existence of corrupt practices in the election of Members of Parliament for the borough of Kingston-upon-Hull, said, he should not feel it necessary to enter into any minute examination of the evidence taken before the late Committee of the other House appointed to try the return at the last election. It was sufficient that that evidence showed that bribery of a most extensive description had prevailed in that borough at the late and previous elections; and upon consideration of that fact, he thought their Lordships had no other course open them but to join in the address to the Crown.

Moved—"To fill up the blank in the Address of the Commons to Her Majesty with ('Lords Spiritual and Temporal, and')"

Lord ST. LEONARDS agreed with the noble Earl, that here the case was made out; but he must say a word on what had fallen from a noble Earl on a former occasion, as it had led to some misapprehension out of doors. It had been said that it was not necessary to look into the evidence in such cases as this. Now, he wished it to go abroad that, in his opinion, every Peer was bound to make himself master of the evidence taken before the Committee, in order to see how far it substantiated the words used in the Act of Parliament.

Lord CAMPBELL concurred in the view of his noble and learned Friend. If the Committee had not reported in the words of the Act of Parliament, they could not supply the deficiency; for they could not of their own authority say that the evidence had established extensive bribery; and without a declaration of that kind they had no right to address the Crown. In the present case there was no question at all, and their Lordships could join in this address to the Crown.

On Question, *agreed to.*

Then it was *moved*, to leave out the words ("William Forsyth") and insert ("John Deedes"). The same was *agreed to.* Then the said Address, as amended, was *agreed to:* and a message sent to the Commons to return the said Address.

BOROUGH OF CLITHEROE ELECTION.

In reply to a question of Lord Lyndhurst,

The Earl of ABERDEEN said, that it was not his intention to ask their Lordships to join in the address to the Crown from the other House of Parliament, praying inquiry into practices reported to prevail in the borough of Clitheroe.

Lord CAMPBELL gave notice, that if any noble Lord should be found to do so, he would move that that Motion should be considered that day six months.

MALDON ELECTION.

Conference had at the desire of the Commons upon the subject matter of an Address to be presented to Her Majesty, under the provisions of the Act 15th and 16th Vict. cap. 57, and report made, that the Commons had agreed to an Address [which was offered] to be presented to Her Majesty, to which they desire the concurrence of their Lordships.

Afterwards, message to the Commons, for minutes of evidence taken before the Select Committee of the House of Commons on the Maldon Election Petition, together with the proceeding of the Committee, 1853.

COLONIAL FISHERIES.

The Earl of MALMESBURY put the question, of which he had given notice, on the subject of our colonial fisheries, and said: My Lords, when I had the honour to hold the office now held by my noble Friend opposite (the Earl of Clarendon) the attention of the Government was called to the complaints of our North American Colonies, in consequence of encroachments by the fishermen and inhabitants of the United States upon the British fisheries on the American coast. In consequence of those complaints, although the fishery season had already commenced, we thought it our duty at once to protect Her Majesty's subjects in that quarter of the world. Accordingly the late Government issued instructions by which a smaller class of vessels than those usually employed were sent to protect those fisheries against the encroachments of the Americans. This step, it appears, produced some jealousy on the part of the American Government. The late Mr. Webster having, however, considered the question, and having fairly understood the object and intention of the British Government, at once gave his cordial assistance to Her Majesty's Government to repress any further encroachment, and finally agreed that negociations as quickly as possible should be entered into between the Government of the United States and the British Government, not only with a view of settling the question of the fisheries, but also of bringing to a successful result other negociations which were pending between the two Governments, and which embraced a far wider field. The step which the late Government took upon that occasion in sending out vessels to protect our rights is, I think, one which must be considered by all parties as undoubtedly successful. Although the negociations upon this point had not commenced, a few captures were made of American vessels, found evidently fishing between the three marine miles indicated by the treaty to be our boundary, and to belong to the British Crown. The result was, that so successful a season for the British fishermen on the shores of Nova Scotia and our other American Colonies had never before been heard of. This fact will appear by the papers on the table of your Lordships' House, which will also show how very valuable those fisheries have been proved to be—I say much more valuable than they were supposed to be by any former Government. I trust that the noble Earl opposite will excuse any anxiety I may feel in asking this question, in reference to the future safety and protection of those important fisheries. The Admiral appointed to that station by the late Government, Sir George Seymour, displayed throughout the transactions the highest ability; and it was that officer's good fortune to meet another, who was equally prudent and skilful, to assist him in preventing these encroachments—namely, Commodore Perry. No captures have been made in disputed waters pending these negociations, but they have hitherto been entirely confined to American vessels found fishing within the zone I have mentioned—namely, three marine miles of the shore of the British possessions, concerning which there is no dispute. This country cannot but feel deeply indebted to the exertions, the prudence, and the ability displayed by Admiral Sir George Seymour during the time he conducted, not only the protection of those fisheries, but also the negociations that took place between him and other parties in respect to this matter; and I trust that if that officer is again to return to that station, Her Majesty's Government will receive with respect and attention any advice or information which he may think it necessary to submit to them—which will always be given with that modesty which so often characterises real merit. I trust that Her Majesty's Government will fully appreciate that advice, and will give it all that attention which we when in office felt it to be our duty to give it. Mr. Webster had agreed that negociations should take place, which should include, amongst other important questions, a settlement of the fisheries question. It has, however, pleased Providence to remove that statesman from this world; and this unfortunate circumstance checked the course of proceedings that were then going on. About the same time a change in the Government of this country took place; and from that hour I am utterly ignorant of what has occurred upon the subject of these negociations, which were begun by Mr. Webster and Mr. Crampton, and which were approved of by the then President of the United States. I now wish to ask the noble Earl, whether, consistently with his public duty, he feels himself at liberty to inform the House what has taken place since the period at which he entered office; how the negociations now stand; how far advanced these negociations are between us and the American Government; and whether they are likely to be concluded this season? Considering that we are now at the commencement of the fishery season, I wish also to ask, whether it is the intention of the Government to continue the protection of those fisheries, especially of those in shore, upon the same understanding, and in the same manner, as the late Government had acted in respect to them?

The EARL of CLARENDON: My Lords, in reply to the question of my noble Friend, I have to inform him that Her Majesty's Minister at Washington (Mr. Crampton), in conformity with instructions he received from my noble Friend, Lord John Russell, and in pursuance of the desire of the President of the United States, entered into a negociation at Washington for making arrangements by which the commercial relations between the United States and this country would be placed on a better footing. Mr. Crampton received the most cordial assurance from both the President and the Secretary of State of their agreement in the views entertained by Her Majesty's Government, and they expressed their belief that the wished-for convention might be concluded upon satisfactory terms. Mr. Crampton, at their request, prepared the project of a convention, upon which a difficulty arose, and objections were raised, which were, however, considered in the most friendly spirit. When the President, in his annual message to Congress, declared that in his opinion the two subjects—namely, that of the fisheries, and that of the reciprocity of trade, had better be embodied in two separate conventions, Mr. Crampton stated that he had good reasons for thinking that such a proposition would be objectionable to Her Majesty's Government. Mr. Crampton's project was, however, sent home, and was agreed to, with some modifications suggested by Lord John Russell, and who expressed his earnest desire that it might be concluded, together with a hope that it would be received as a pledge that the two Governments would be prepared to carry on their respective relations in a spirit of justice and liberality. This proposition was met entirely in the same spirit by Mr. Everett; but some fresh objections and difficulties, which were unforeseen then, arose, and a further reference to this country was required. It then became manifestly impossible to carry on the matter further with any hope of bringing it to a successful issue during the time the late Government of the United States would continue in office. The question now may therefore be considered as under negociation; and, being so, I am sure that my noble Friend would be the last man to expect, under such circumstances, that I could enter into any details respecting it at the present moment, as any such course of proceeding on my part might not tend to the advantage of the public service. I am sure that the noble Earl will not require any assurance from me that I feel the zeal, the ability, and the good judgment which have characterised Mr. Crampton's proceedings, will lead that gentleman to omit no opportunity of pressing this question on the attention of the Government of the United States, and of bringing it to a conclusion alike honourable to both Governments. With respect to the other question—namely, the protection of our fisheries, I have to state that precisely the same instructions which were sent out last year by the late Government, and for the same purpose, have already been given. These instructions seem to me to have been framed with great care and caution, and I believe that no alteration whatever has been made in them. My noble Friend will no doubt feel much satisfaction in hearing that these instructions will be carried into effect by the same gallant Admiral to whom the noble Earl addressed them last year; and I am sure that this distinguished officer will evince this year the same determination to protect every British right, and while doing so, to pay respect to the rights of others, as he has done heretofore. I need hardly say that in the praise bestowed by the noble Earl upon the gallant Admiral I entirely concur, and perhaps, what is of more consequence, it is concurred in by the First Lord of the Admiralty, who some time ago addressed a letter to Sir George Seymour, thanking him for the important services he had rendered to this country, and saying that he thought it to be his duty to bestow upon him the first good-service Admiralty pension that was vacant.

The Earl of DERBY: My Lords, I think that the reply which we have just heard from the noble Earl opposite is one which must be deemed satisfactory to all parties. After the statement made by the noble Earl that this question is still a subject for negotiation, it will of course be impossible for us to seek for any further information as to the progress of these negotiations, inasmuch as such a disclosure might prove injurious to the public service. I hope, however, that without any official reserve, I may be permitted to call the noble Earl's attention to the peculiar position in which the colony of Nova Scotia stands in regard to this question. Now, the interests of Nova Scotia, of Canada, and of New Brunswick, are not identical; for Nova Scotia is peculiarly interested, not only in the general fisheries, but in the in-shore fishery, which, as a matter of right belongs to that colony. Therefore, any general arrangement entered into which would allow the Americans to partake of the advantages of the in-shore fishery, would be peculiarly injurious to Nova Scotia; and I hope that if a concession be made, the interests of Nova Scotia in this respect will be strictly maintained. There is one article in which the general commerce of the United States is deeply interested, and which it is most important for that country that the arrangement in respect to it shall be placed on a satisfactory footing—namely, fish. But Nova Scotia is not only deeply interested in this article, but it is also interested in other articles, in reference to which it is in the power of the United States to afford her much advantage—namely, iron and coal. I, therefore, only hope that in the negotiations that are going forward on this subject, Her Majesty's Government will bear in mind the peculiar sacrifices which Nova Scotia may be called upon to make; and at the same time the compensation for such sacrifices which it is in the power of the United States to offer to Nova Scotia.

CONVERSION OF STOCK—FUNDS IN CHANCERY.

Lord ST. LEONARDS, pursuant to notice, begged to ask the noble Earl opposite for information respecting the intentions of Her Majesty's Government with regard to the Funds and Property under the administration of the Court of Chancery. He would remind their Lordships that there was one thing which made the suitor in the Court of Chancery content with the present state of things as it affected his property, namely, that he knew his property was as safe as it was possible for any property in the country to be. He knew it was guarded, not merely by the ministers of justice, but by the rules of the court, which would not permit a profane hand to be laid upon it. He was induced to refer to this subject in consequence of some observations that had been recently made by the present Chancellor of the Exchequer; and he begged to remark that he had made the same objections in the House of Commons twenty-four years ago to any interference with the funds of the Court of Chancery as he would now make to any proposition of the present Government to make use, for any purpose, of the fund placed under the administration of that court. Let them once put their hands upon that fund, and help themselves to it, and they might depend upon it that an alarm would be spread about the country amongst the thousands of families and persons who are looking to the funds in that court for their future maintenance and support and for their outset in life, that would very soon make itself heard. It might be said that the funds were subject to fluctuations, and that it was the object of the Government to prevent such fluctuations from taking place; but let the Government of the country help themselves to the funds of that court, and he would take upon himself to assert that there could not be a more dangerous precedent established, and that it would raise a flame in the country that could not be easily extinguished. Why was the suitor to be placed on a different footing from the ordinary holder of stock; and why should not the suitor have the same option as the rest of the world to accept or reject the terms of the Government? The noble and learned Lord, who was imperfectly heard, was understood, in conclusion, to object to a tax being put on the succession to real estates; and to say that in case such a tax was imposed it would be necessary to revalue all the land throughout the entire kingdom.

The Earl of ABERDEEN said, that such a proposition was but the mere creation of the noble and learned Lord's own brain, for there was no intention of such a nature as that he referred to at present existing. Since the noble and learned Lord had given notice of his Motion, he (the Earl of Aberdeen) had consulted the Chancellor of the Exchequer on the subject. He presumed that the noble and learned Lord's speech was founded upon certain observations made by the Chancellor of the Exchequer in explanation of the financial operations which he had announced some days ago in the House of Commons. It was true that the right hon. Gentleman did advert to the large sums that were standing in the name of the Accountant General of the Court of Chancery, and that he said that he thought they were in an unsatisfactory state; that he had given much attention to the subject, and hoped that he might have some proposal hereafter to make on the subject; but at the same time his right hon. Friend took care to say that the Government had never considered the question, and that he was not in a condition to submit any measure upon the subject. The right hon. Gentleman, therefore, threw out the suggestion as merely a topic of his own, and upon which he alone was concerned. If, however, after having maturely considered the subject, his right hon. Friend should feel that he was in a condition to make such a proposal to the House of Commons, he (the Earl of Aberdeen) thought, without meaning the slightest offence, that the right hon. Gentleman's proposition would deserve quite as much attention as the statement made by the noble and learned Lord.

THE IRISH MAGISTRACY.

The **Earl of CLANCARTY** said: My Lords, after what your Lordships heard in the course of the debate on last Tuesday, relative to the restoration of Mr. Kirwan, a stipendiary magistrate, to the performance of the duties of his office, from which he had been suspended, it will hardly be necessary for me to add anything in support of the Motion of which I then gave notice, and which I am now to submit, for the production of the correspondence between the Lord Lieutenant of Ireland and the Earl of Roden, which originated in the desire of the noble Viceroy to restore the noble Earl to the commission of the peace, and which resulted in his not being reinstated. It may be in the recollection of your Lordships that the act of the Lord Lieutenant in proposing to restore my noble Friend to the commission of the peace, from which the Government in 1849 had thought proper to have his name removed, was referred to by the noble Duke opposite, in connexion with Mr. Kirwan's restoration, as showing how impartially his Excellency had distributed his acts of grace—that when restoring the suspended stipendiary magistrate, Mr. Kirwan, who the noble Duke informed us was a Roman Catholic, the Lord Lieutenant had shown himself equally ready to restore to the magisterial office the noble Earl, who was described to your Lordships as an opponent of the present Government. My noble Friend was very naturally displeased at his case having been thus noticed as in any degree analogous to that of Mr. Kirwan, and in the course of the speech he then addressed to your Lordships, brought before the House the correspondence that had taken place between the Lord Lieutenant and himself in reference to his reinstatement. My Lords, I think it important that that correspondence should be laid upon the table of the House. It may be objected that in point of form that correspondence was private, but I cannot so consider the subject of it. It is the only record of a public act of the highest public functionary in Ireland, and that act one of great public interest; as such it was manifestly referred to by the noble Duke, and as such it was regarded by my noble Friend who read the correspondence, and rested upon it his justification in not having at once accepted the Lord Lieutenant's invitation to him to resume the office and responsibilities of the magistracy. In order to my noble Friend's restoration to the commission of the peace, it appeared that he must recognise the propriety of his having formerly been removed from it. My noble Friend could not do any such thing. The very questionable grounds upon which he had been superseded were debated in this House in 1850, and the papers relative thereto were laid upon the table; it is therefore unnecessary that I should now further refer to them. I may, however, observe, that the verdict of public opinion was entirely in condemnation of the act of the Government. It is, I think, much to be regretted, that my noble Friend the Lord Lieutenant of Ireland, who, I am sure, sincerely desired the restoration of the noble Earl to a position in which he had ever been most highly respected by his countrymen, should have so worded a communication designed to have been at once most gracious and friendly, as to frustrate its object—as, in fact, to have the appearance, almost, of having been designed to entrap the noble Earl into an admission inconsistent with his known feeling of undeserved wrong, and with his opinion that there was no necessity for his having been before superseded. My noble Friend, upon such terms, could not but decline the honour intended him in the Lord Lieutenant's communication, but at the same time expressed his willingness to resume the duties of the magisterial office if he might do so without making an admission which his conscious rectitude forbad. The Lord Lieutenant did not accede to his terms; an act of self-condemnation upon the part of my noble Friend must be the condition of my noble Friend's reinstatement. I pray your Lordships to contrast this treatment of the noble Earl with that of the stipendiary magistrate whose case was under your consideration on Tuesday last. Mr. Kirwan having been sentenced to a suspension of six months from his office for most improper conduct in the discharge of his duties, for which he ought rather to have been dismissed, is, as the first official act of the Lord Lieutenant, freely and unconditionally restored. My noble Friend, who had been most improperly dismissed, and whose high character in the administration of justice, and in the performance of every public duty had been ever unimpeachable, can only be restored upon terms that would have been disparaging; while the proved misconduct or utter incapacity of Mr. Kirwan was no bar to his reinstatement in the important office of a stipendiary magistrate. The refusal on the part of my noble Friend to admit that he had done wrong, when he knew that he had not, and that the Government in 1849 had done right when he knew they had done wrong, is a sufficient reason for continuing to deprive the country of his truly valuable and unpaid services. My Lords, I move for the correspondence in no unfriendly spirit towards either the Lord Lieutenant or Her Majesty's Government; but I think the case of my noble Friend was hastily and inconsiderately disposed of, and am confident that if attention be again directed to it, the reconsideration would be followed by results more satisfactory to the country, and just by the individual. There is an inconsistency between the terms of the Lord Lieutenant's letter to my noble Friend proposing his reappointment to the commission of the peace, and the tenor of the letter addressed by his predecessor in 1849 to the Lord Chancellor recommending that he should be superseded; that step was recommended on the ground "that a due regard for the future preservation of the peace and for the administration of justice in a manner which would be entitled to public confidence and respect, imperatively required it." My Lords, is it less important that the administration of justice should be respected now than in 1849? And yet we are now told that the necessity for my noble Friend's exclusion from the commission of the peace had now ceased. It is difficult, my Lords, to conceive how the noble Earl's exclusion should have been at any time justified in the mind of the noble Viceroy, who testifies so truly in the subsequent part of his letter to his high character and the just estimation in which he is held by his countrymen. Entertaining the high opinion he expresses of my noble Friend's claims upon the esteem of the public, I trust the Lord Lieutenant may now be authorised to carry out what was intended as an act of grace by him in a manner unexceptionable. I have only now to move that there be laid upon the table of this House—

"A Copy of the Correspondence that has taken place between the Lord Lieutenant of Ireland and the Earl of Roden relative to the restoration of the latter to the commission of the peace."

The Earl of Clancarty

The Earl of ABERDEEN had not the least objection to produce the papers asked for; but he thought their Lordships would agree with him that it was not necessary to enter either into the case of the noble Earl or that of Mr. Kirwan. The correspondence would speak for itself, and noble Lords would from it be able to judge whether any such intention as had been imputed to Lord St. Germans, when he offered to reinstate the noble Earl, could have entered his mind. At the same time they would determine whether the noble Earl (the Earl of Clancarty) was justified in moving for the papers. No objection, however, existing to the production of the correspondence, it was unnecessary to say another word on the subject.

Motion *agreed to.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 21, 1853.

LETTER CARRIERS.

MR. T. DUNCOMBE said, he begged to ask the hon. Secretary to the Treasury a question of which he had given him notice. He (Mr. Duncombe) had brought under the notice of the House on former occasions the grievances of the letter carriers, and presented petitions containing statements of the grievances under which they laboured. Upon the last occasion the answer given was, that the subject was under the consideration, and it was understood under the favourable consideration, of the Postmaster General. He now asked his hon. Friend what steps the Postmaster General had taken towards removing the grievances of the letter carriers of the metropolis, as well as throughout the United Kingdom?

MR. J. WILSON said, the questions formerly put by the hon. Member related to three points—the prohibition of Christmas boxes, the subject of allowances, and the inequality of the pay. With regard to the first question, he was glad to inform him that the Postmaster General had already issued a circular withdrawing the prohibition of last year as to Christmas boxes. As to the second, relating to allowances, a more just and liberal scale had been prepared by the Postmaster General, and sent to the Treasury for approval. Then, with reference to the unequal amount of pay in the different parts of the country, he had to state that his noble Friend (Viscount Canning) had taken great pains to investigate that matter, and the conclusion he had arrived at was that equality of pay was impossible, and that the more he had investigated the case the more was he convinced of that fact; but he had received numerous applications for increased pay in individual cases, and, having taken all these into consideration, he had increased the pay in many cases where the complaints were, in his judgment, well founded.

Mr. T. DUNCOMBE: Do these new regulations apply to Ireland?

Mr. J. WILSON: Yes, to every part of the United Kingdom.

BARNSTAPLE ELECTION COMMITTEE.

Mr. W. O. STANLEY appeared at the bar, and brought up the report of the Barnstaple Election Committee, which stated, that the Committee had determined—

> "That Sir William Augustus Fraser, baronet, and Richard Bremridge, esquire, are not duly elected Burgesses to serve in this present Parliament for the Borough of Barnstaple.
>
> "That the last Election for the said Borough is a void Election.
>
> "Also that Sir William Augustus Fraser, baronet, and Richard Bremridge, esquire, were, by their agents, guilty of bribery and treating at the last Election.
>
> "That it was proved to the satisfaction of the Committee, that corrupt practices have extensively prevailed in the borough of Barnstaple, during the last and former Elections."

Report to lie on the table.

Minutes of Evidence to be laid before this House.

Mr. W. O. STANLEY: I now move that the issue of the writ for the borough of Barnstaple be suspended for six weeks.

An Hon. MEMBER: You must give notice of Motion.

Mr. W. O. STANLEY: Then I give notice that I will move to-morrow to that effect. I have also to give notice that, when the evidence is in the hands of Members, I will move that a Commission be appointed to inquire into the corrupt practices which prevailed at the last election for Barnstaple. So far I have been ordered by the Committee. I have now to state, upon my own account, that it is my intention to call the attention of the House to the circumstances attending the last election at Barnstaple, with a view to further measures, when the Report is before the House.

FEES ON COMMISSIONS IN THE MILITIA.

Colonel LINDSAY said, he begged to put the following questions to the noble Lord the Home Secretary; and he would be glad to know—If the clerks of the peace in counties have any legal right, or have any authority from the Government, for charging the officers of militia with fees, either on appointment or promotion; and if it is the intention of the Government to take any steps to prevent a continuance of this practice for the future? Also, if the clerks of the peace, or clerks of the lieutenancy in counties, have any legal right, or have any authority from the Government, for charging the officers of militia or yeomanry with fees, either on appointment or promotion; and if it is the intention of the Government to take any steps to prevent a continuance of this practice for the future?

Viscount PALMERSTON said, he had received many representations upon the matter to which the questions referred—namely, the varying, and, in some cases, the very considerable, fees which were levied by clerks of lieutenancy and clerks of the peace upon militia officers for their commissions. The hon. and gallant Member was doubtless aware that the commissions of militia officers were signed, not by the Secretary of State, like the commissions of the regular Army, but by the Lord Lieutenant of the county, who, by the Act of Parliament, was the person competent, authorised, and required to sign them. The Government, therefore, had no control over these different clerks referred to. But, as far as he was informed—and he had made inquiries about it—he was not aware of any law by which the clerks were entitled to levy those fees. They might, of course, have a claim to some recompense for the labour and duty of preparing commissions; but he was not aware of the existence of any law which either fixed a rate of fees, or under which they could legally recover such fees. His right hon. Friend the Secretary at War and himself had turned the matter over in their minds for the purpose of ascertaining if any remedy could be applied to it; and his right hon. Friend thought that, subject to inquiry with regard to the manner in which it could be arranged, these commissions might be made out at the War Office, without giving the clerks of lieutenancy anything to do. They could then be returned to the Lord Lieutenant to be signed by him; and in that way the militia officers would be entirely relieved from any charge in regard to their commissions. Of course the House was aware that officers in the regular Army were not subjected to these fees; and he would endeavour by some means or other to relieve the officers of militia from them also.

Sir GEORGE PECHELL said, he would take that opportunity of inquiring of the noble Lord respecting a statement that he had seen, that at a recent meeting of the magistrates of the western division of Sussex, 500 militiamen were to be embodied as a corps of artillery in that county, to be stationed near Brighton: he would beg to ask the noble Lord, if that number was to be in excess of the quota ordered to be provided by the county of Sussex?

Viscount PALMERSTON: The quota to be raised by each county was, of course, settled by Order in Council, and to that quota no addition could be legally made. The Crown had, however, the power of training portions of the quota belonging to each county in such manner as was best for the public service; and he was of opinion—and in that opinion he was supported by the highest authorities—that it would be desirable to train a portion of the militia in maritime counties to the management of batteries and the use of great guns. But this force would form no addition to the militia.

THE BUDGET—DUTIES ON SUCCESSION.

Mr. STAPLETON said, he begged to ask the right hon. Chancellor of the Exchequer whether it was his intention to make persons who succeed to property under the shifting clause of a settlement, by which one property shifts from them on their succeeding to another, pay the duty to be imposed on succession on the whole value of the property to which they succeed, or merely on so much thereof as may be in excess of the value of the property which shifts from them?

The CHANCELLOR of the EXCHEQUER said, that in considering the proper form of the Resolution to be submitted to the House with regard to the Legacy Duty, he found that both precedent and the prudence of keeping within the rules of the House dictated the use of very general terms indeed, and that it was impossible to introduce into that Resolution the various specifications which must necessarily be introduced with great care into the Bill, the subject being one of considerable perplexity. The matter to which the hon. Gentleman's question referred had been very carefully considered, and he (the Chancellor of the Exchequer) should be prepared to announce the views of the Government with regard to it; but he would rather not make that statement orally in that House, because he thought it would lead from one point to another, and that the effect would be that he should give a very imperfect and deceptive picture of the provisions of the Bill. The Bill would be ready for introduction as soon as the House had adopted the Resolution upon the subject.

THE WINE DUTIES.

Mr. HUME said, he wished to ask the right hon. Chancellor of the Exchequer whether, in future, the 5 per cent now levied on the wine duties was to cease with the other duties or not?

The CHANCELLOR of the EXCHEQUER had stated on Monday night that it was a great object with him to get rid of the additional 5 per cent duty where he could afford to do so, on account of the trouble it gave in many cases; but when he came to the 5 per cent on the wine duties, the amount of which was 100,000*l.*, and the 5 per cent on the tobacco duties, which was 200,000*l.*, he felt that they were not rich enough to be so liberal. In the particular instance referred to by the hon. Gentleman, therefore, he was afraid the additional 5 per cent must remain.

SPIRIT DUTIES (SCOTLAND).

Mr. COWAN said, he begged, in consequence of some misunderstanding which appeared to prevail in several parts of the country upon the subject, to ask the right hon. Gentleman the Chancellor of the Exchequer, from what period the additional duty of 1*s.* per gallon upon Scotch whisky would be imposed?

The CHANCELLOR of the EXCHEQUER: I believe I stated it was the intention of the Government, as a matter of course, that the increase of duty upon spirits which they propose should date from the passing of the Resolutions of this House; but I made an omission on Monday in relation to the subject, which I regret. I ought to have requested the House, in compliance with all former precedents and the convenience of the trade, to have the kindness to pass the Resolution upon that night—the course uniformly pursued upon every such occasion. That course is not intended to commit the House to the final adoption of the proposition of the Government, nor to prevent any person out of doors from offering any opposition to it. The object is simply to meet the convenience of the revenue, and to provide for the application of the new duty to current transactions in case the House should adopt it. I have, therefore, placed the Committee upon the paper for to-night, and in Committee I shall ask the House to pass the Resolution.

SOUTH SEA AND OTHER ANNUITIES COMMUTATION BILL.

Order for Committee read.

Mr. DISRAELI: Sir, I wish to make an inquiry from Her Majesty's Government respecting the course of public business, which, from what has occurred, I regret to say, is rather perplexing and unsatisfactory to those who are sitting on this side of the House. It is about ten days ago, I think, since the right hon. Gentleman the Chancellor of the Exchequer placed some very important Resolutions upon the table respecting the reduction of interest upon South Sea and other annuities, and affecting also a much larger amount of revenue. Those Resolutions, in their corrected and complete form, were not put into our hands up to five o'clock on the day they were moved; and I understood subsequently that a day would be appointed for their consideration. After the Resolutions had been moved, a somewhat desultory conversation took place; about ten o'clock I rose to ask the right hon. Gentleman to name the day when they would be taken into consideration, and the noble Lord (Lord J. Russell)—I will not say in a somewhat captious spirit, because the noble Lord shows so much courtesy on all occasions—but certainly the noble Lord found great fault with the discussion having taken place. He said that, the discussion having taken place, he would not fix a period for the due consideration of them. I was not inclined to avail myself of the means at my disposal to oppose the Government, having, as I hope I always have, a sincere desire to facilitate the course of public business. I know how burdensome it is for a person in the position of the noble Lord to carry on affairs in this House; but, certainly, there was a declaration, a very formal declaration, on the part of the noble Lord, that by the House agreeing to the Resolutions that night, the House was not pledged to them in any way; that if the House would permit the Chancellor of the Exchequer to bring in the Bill, there would be a legitimate occasion, upon the Motion for the second reading, to go into the discussion of that which I may fairly describe as one of the most important questions of finance ever brought under the consideration of this House. To my great surprise, however, I found upon the night of the Budget, after the able and learned statement of the right hon. Gentleman, which did not terminate until nearly half-past ten o'clock, when it was quite impossible we could, after such an important revelation from the Government, enter into the consideration of the Bill for dealing with the interest upon South Sea Annuities, and possibly with interest of a much greater amount—I say, to my great surprise, having myself left the House at past eleven o'clock for a few moments, while the House was rising and in great confusion, I understood that the Bill founded upon the Resolutions which had been passed in a manner so unprecedented, had been read the second time without any discussion whatever. I do not think, so far as the Government is concerned—no doubt unintentionally, and from some misapprehension on the part of the right hon. Gentleman the Chancellor of the Exchequer—that the House has been fairly treated on this subject. I do not think we have had an opportunity of discussing the principles and the general character of those Resolutions—an opportunity which we ought to have enjoyed when the Resolutions were first introduced. Now I find that we are called upon to go into Committee upon the South Sea and other Annuities Commutation Bill to-night, without, as I have said, our having had the usual opportunity of discussing either the Resolutions or the second reading of the Bill. Under these circumstances I wish to ask the noble Lord whether he proposes to ask the House to go into Committee on the South Sea and other Annuities Commutation Bill to-night? I trust he will not. There is also another point respecting the course of public business upon which it is important that there should be a clear understanding. Upon this side of the House there is an anxious desire, I am certain, to assist the Government, so far as they can, generally in the carrying out of public business; but that good understanding entirely depends on the kind of proceedings taken on the part of the Government. I come now to the consideration of the Resolutions of the right hon. Gentleman when he introduced the Budget. I asked the right hon. Gentleman the other night to name the day when he proposed we should take them into consideration. He named an early day—a day much earlier than most of my friends expected; but, animated by the feelings to which I have referred, I would not complain, and they are appointed for next Monday. The right hon. Gentleman then told us the course would be this—first, he would take the income and property tax; secondly, the legacy duties; and thirdly, the Customs duties—

The CHANCELLOR OF THE EXCHEQUER: I said the spirit duties.

MR. DISRAELI: Very well, the spirit duties. That does not at all interfere with the conclusion. At any rate it justifies my appeal to the Government; and I shall be glad to hear now if the arrangement announced by the right hon. Gentleman is to be observed.

The CHANCELLOR OF THE EXCHEQUER: Sir, with regard to the latter part of the right hon. Gentleman's observations, I assure him there is not the slightest intention of deviating from the order announced for Monday night. The intention is to proceed—first, with the income tax, and then with the legacy duties; and if it is agreeable to the House, there can be no objection on the part of the Government to take the discussion upon the spirit duties after the others. I do not myself quite remember the order in which the Resolutions are printed, but there never was any intention of deviating from it, and, in point of fact, that respecting the property tax had been already moved, and was in the hands of the Chairman. With regard to the South Sea and other Annuities, it would certainly be a matter of extreme regret to the Government if any hon. Gentleman had not had an opportunity of discussing the Resolutions. As the right hon. Gentleman is aware, expedition in matters of this kind is of importance; but, on the other hand, expedition would be too dearly purchased if it were purchased at the expense of depriving Members of this House of the full opportunity of discussing matters of this sort. With regard to the second reading of the South Sea Annuities Commutation Bill, I think the right hon. Gentleman is in error when he says that my noble Friend (Lord J. Russell) made any reference to the discussion on the second reading when the Resolutions were passed. What he stated was, that ample opportunity would be given for discussing the Bill when it was before the House; but no mention was made of any particular stage of the Bill. With regard to the second reading of the Bill, when it was fixed for that stage, an hon. Gentleman opposite desired that it should not be read the second time that particular night, and in consequence of his observations it was fixed for Monday night. On Monday night, although it was unquestionably read the second time, the absence of the right hon. Gentleman and his friends generally, when the Order of the Day was read, was a distinct intimation that they had no wish to discuss the second reading. That was the construction I put upon their collective absence. An hon. Gentleman behind me did state the objections he entertained to a particular clause, and hoped there would be a full opportunity in Committee for discussing the objection. Under these circumstances, considering the importance of despatch, and considering there would be ample opportunity, if they thought fit, to discuss the principle of the Bill before you, Sir, left the Chair, I thought it my duty to ask the House to allow the second reading. I gather now, from what the right hon. Gentleman has said, it would not be convenient to go on with the Bill this evening. If that is so, I think the time of the House need not be lost, as there is a statement to be made with regard to the Regulations of the Customs department by my hon. Friend (Mr. Wilson), and, after that, there is an important Committee in relation to Pilotage. The course, then, which I propose to pursue is this. The House must be aware that Bills of this nature required to be drawn with the utmost care, and though the ablest assistance has been engaged upon it, yet there are several amendments of a formal character, which the solicitor to the Bank and the solicitor to the South Sea Company have recommended to be introduced. I think the introduction of these amendments during the discussion in Committee would be likely to lead to some perplexity; therefore, I propose to put the Bill through Committee *pro formâ*, in order to introduce the amendments, and then we will fix that the Bill shall come on the first thing to-morrow. Lest there should be any misunderstanding, I will now mention the only amendments I have to make which are not of a strictly formal character—though they are more formal than substantial. I propose to give power to the Court of Chancery, in express terms, to direct the Accountant General in certain cases to make the commutation. I propose to insert in the Bill express words by which, as is usual in Loan Acts, to provide against any imposition of taxes or charges, as they were exempt upon the old stock being commuted. Thirdly, I propose—to meet an apprehension expressed by some Gentlemen, that there will be a probable loss or inconvenience to parties in the rush expected at the Bank when names are to be entered for the privilege of priority in the commutation of stock—I propose to meet that apprehension by a provision to this effect—that all persons who enter their names at the Bank of England or the Bank of Ireland upon that day shall share among them rateably and in proportion to the amount which each has entered, the amount of stock to be issued. The House will see that the amendments do not affect the plan of the Government. The Bill will be delivered with its amendments tomorrow morning.

Sir FITZROY KELLY said, he wished to know, if the Bill now passed through Committee *pro formâ*, whether hon. Members would not hereafter be disentitled from taking the sense of the House upon the principle?

Mr. SPEAKER, in reply, said, that as the Bill was to be recommitted, the sense of the House might then be taken on the question that the Speaker do leave the chair.

The House then went into Committee *pro formâ*.

The House resumed.

CUSTOMS REFORM.

Mr. J. WILSON: * Mr. Speaker, Sir, it will be remembered, that about three years ago a most unhappy controversy arose between the Customs Department and two of the large London Dock Companies. In consequence of that controversy, a Parliamntary Committee was moved for by my hon. Friend the Member for Bridport (Mr. Mitchell), which Committee sat for two years, for the purpose of inquiring into the whole system of Customs management, with a view to recommend to the House such alterations as seemed desirable. The Committee presented at the close of the last Session their report to the House, and that report was very soon afterwards, by the Government of the day, referred to the Customs Commissioners for their observations thereon. Those observations were forwarded to the Treasury in October last; and upon the present Government coming into office in December, they found the matter in this stage. A few weeks ago a most respectable and influential body of City gentlemen waited upon my right hon. Friend the Chancellor of the Exchequer upon this subject—a subject in which they naturally take a most lively interest. On that occasion my right hon. Friend promised to the deputation that a Bill should be prepared in the course of the present Session: first, for the purpose of consolidating all the existing Acts of Customs; and, secondly, for the purpose of introducing into the one Consolidated Act the whole of the improvements which Her Majesty's Government are prepared to recommend to the adoption of this House. My right hon. Friend assured the deputation that every opportunity should be afforded to the commercial community throughout the whole country to consider those recommendations and new provisions before the Act was passed. He promised that the Bill should, at a very early period, be laid upon the table for the purpose of enabling every person interested in this important question to consider the whole of the improvements and alterations which the Government proposed; and he promised that ample time should be afforded for the country to express their opinion upon the subject before any actual legislation took place. The preparation of that Bill must undoubtedly require a considerable period; but as we have now prepared, after great care, a Treasury Minute, which contains all the essential points which we recommend should be included in the Bill, both of addition and improvement, we have thought that the best way to carry out the pledge of my right hon. Friend to the deputation would be, that I should, on the part of the Government, state to the House and to the public the alterations and amendments which we propose to make in the Customs regulations, in pursuance of the recommendations of the Committee which sat thereon. The report which the Committee presented to this House was divided into fourteen several heads; and I hope the House will agree with me, that on a subject of so much importance and so much interest I may safely appeal to them for a quiet and patient hearing, while I go through that great variety of topics, in order to explain the views of the Government on matters so intricate, and involving so much detail. I may say, in the first place, with regard to the unhappy controversy between the Customs Department and the Docks—to which I have referred—that, having been settled during the inquiry before the Committee, the Committee thought it consistent with their duty not to express any opinion thereon. I think in that they followed a wise course; and, therefore, in the observations which I shall make, I shall carefully avoid any remarks which can in any way tend to revive that controversy, which I am too happy to believe has been allayed, I hope, never to be revived again. The first head of the Committee's report refers to the constitution of the Board of Customs; but as that does not form any part of the Bill about to be introduced, the Government do not intend to deal with it on the present occasion, and it is not included in the Minute which I shall have the honour to lay on the table to-night. Notwithstanding this, I can assure the House the subject is under consideration of the Government, and no long time will be allowed to pass before a second Minute will be made, which shall settle, or, at least, which shall attempt to settle, that important question. I will, therefore, on the present occasion, only state on this head, that if, in the meantime, any vacancy should occur in the present Board of Commissioners, it will not be filled up until the whole question has been considered, and a determination come to with reference to it. The next point is one of great interest to a very large number of persons in this country—that with regard to the appointments and promotions of the various officers of the Customs Department. I am extremely glad to find that the Committee thought right to take that subject into their consideration; because I feel that whatever reforms we may attempt to introduce into the Customs, the success of those reforms must be dependent in a great measure on the condition and constitution of the officers who have to carry them into effect. Therefore, I cannot express too strongly the feeling I entertain that the condition of that body of men ought to be made as encouraging and advantageous as it is possible under the circumstances of the case to make it. The observation which the Committee made on this important topic refers chiefly to the exclusion of certain classes of Custom-house officers from promotion from one class to another. In the Customs establishment there are no fewer than 10,800 persons employed, of which number 1,000 are weighers, and 1,750 tidewaiters. The Committee animadvert on the fact of those particular officers—amounting in number to as many as 2,720—being confined to promotion in the particular classes in which they are respectively placed, and under no circumstances being permitted to pass a certain line of promotion in the service. No doubt it is the case that the different departments in the Customs require of persons entering them a very different description of ability and of examination; but the Government are of opinion that, notwithstanding the different qualifications required, it is not inconsistent with their duty to permit those who enter and are qualified for the lower positions, to rise into the higher class of Customs promotions. In the evidence taken before this Committee, very much hesitation is expressed as to the prudence of such a step; but I think, on consulting with the authorities of the Customs, I am authorised to say that many of those officers, who have risen from the lower grade of duties by successive steps, until from first being weighers they have become superintendent lockers, have acquired so much experience, and are in every respect such deserving officers, that they may fairly be recommended to higher appointments. The Government are therefore quite willing, and have instructed the Commissioners of Customs to carry out the proposition, that when a person has been three years a superintendent locker, or a tide-surveyor, he shall be entitled to demand an examination, and, if he undergoes the examination satisfactorily, to have a certificate, which certificate is to be forwarded to the Treasury, and his name enrolled as eligible for higher service. The Government are disposed to go further, and to give the Commissioners of Customs the right to nominate to the Treasury one in every five vacancies, as a reward for special and meritorious services. In making this change, the Government feel that nothing, perhaps, in this country, is more contrary to the feelings of the great mass of the people than that there should be distinctions of classes—that there should be lines beyond which men cannot advance; and when we see in the greatest professions which adorn the country, men rise from the lowest to the highest station, we think it important that the Customs should not be an exception. We think there is nothing more repulsive to the general feelings of Englishmen, than a system which actually prescribes that men, however meritorious, find a line in their path, beyond which they cannot pass. Such a regulation seems to us to savour more of the spirit of Eastern castes, than of that English freedom which, in every profession whatever, holds out the highest prizes as the fair object of the ambition of its humblest members. It may be that few attain the prizes, but that is no measure of the stimulus that is afforded in order to deserve them. We also think, in remodelling the Customs Establishment, we can do much, by holding out the fair expectation that promotion will follow merit, to secure a better class of servants, to cultivate a better feeling between them and the commercial community, and to introduce a better tone into that service, whereby we shall be able to effect a number of reforms, with greater confidence in their final success. The next topic is "Fines and Satisfactions." I am quite ready to admit, that nothing can be more unsatisfactory than the present state of the law, and the position which the Custom-house officers bear towards the commercial community, with regard to the fines and satisfactions they receive in the discharge of their ordinary duty. The Committee complain that, in consequence of the Custom-house officers sharing one-half the fines and one-half the profit on goods seized in case of sale, an impression exists that they are rather actuated by speculative views as to their own interests, than influenced by a regard for the interests of the Crown. However little such may be the fact, I am quite willing to admit, that on the face of the present arrangement, there is a considerable degree of reason for such a suspicion. I am quite sure, however, the House will see the suspicion is not well founded, when they know that these amounts give only about *2l.* a year to officers of the highest character, receiving *400l.*, *500l.*, and *600l.* a year; but the very smallness of the sum is one reason why the principle should no longer be continued, especially when the consequence is, they are supposed to consider their own interest before that of the public. The nature of the seizures and stoppages to which these fines apply, may be divided into two classes. The first includes nominal detention for improper description and non-compliance with regulations through inadvertence. It is the practice when, for any of these minor or nominal offences, goods are seized, upon application to the Commissioners of Customs, to deliver them up to the owners on payment of a small fine. It is very properly argued that the Government would be wrong to cease to levy those fines, because, although undoubtedly many mistakes are made through inadvertence, a relaxation of the rule would encourage attempts to commit extensive frauds. The Government have determined not altogether to remit those fines; but to give greater facilities for remedying any errors which may be inadvertently committed, by giving to the officer in attendance a discretion in certain cases to amend entries without the delay of an application to the Commissioners. The second class includes cases of under-valuation for *ad valorem* duties and seizures for smuggling and fraud. The House will see there is a great distinction between these two classes. In the second class it may be, and usually is, the case that fraud is intended; but not so in the first. While, therefore, we have thought it necessary, in order to remove as much as possible the inconvenience which has arisen from the frequent seizure and stoppage of goods, in consequence of under-valuation for *ad valorem* duties—while on this account, as my right hon. Friend the Chancellor of the Exchequer explained a few nights since, we have thought it our duty to remove every article from the list of those subject to *ad valorem* duties as far as we can; as regards some articles it is impossible to transfer them into any other list; and the same system which has hitherto prevailed, must so far still prevail, but with this exception—that the officers who bring before the Commissioners of Customs these cases, shall have no interest whatever in the profit derived from the sale of the goods seized. In regard to the fines, as well as the profit which may be derived from the sale of undervalued goods, the officers in future will have no direct or individual interest whatever. They will, as is the case with the Board of Inland Revenue, be converted into one fund, and that fund will be disposed of either in the improvement of the condition of the officers generally, or as rewards for special merit. Under the Board of Inland Revenue the practice was discontinued, because it was considered that the same weight was not attached to the evidence of the officers by juries, as would be the case if they were not interested parties. Now, although the same reason does not apply to the Custom-house officers, I have no doubt the removal of any pecuniary interest will introduce between them and the commercial community, with whom they daily come in contact, a better spirit, and bring about a more confidential tone in the management of business. But there is one department in which we do not propose to make any alteration, and that is the Coast Guard service. In their case, the Government agree with the Committee, that it is not wise to weaken, in the slightest degree, the inducements which those officers have to incur personal risk and encounter great danger in the discharge of their arduous duties. Therefore, as far as regards the Coast Guard, and those engaged in the direct seizure of vessels and goods for smuggling, the whole advantage now possessed will be retained. With that exception, it is the intention of the Government to withdraw any interest the Customs officers may have in fines and satisfactions, or in the profits of the sale of goods seized for under-valuation for *ad valorem* duties; and, while doing so, I have no doubt those officers who will be affected by the new arrangement, will feel that, by other arrangements as regards promotion, a more wholesome and better stimulus is supplied than that derived from the uncertain, precarious, and at all times invidious benefit which they received from those sources. The next head upon which the Committee have reported is with regard to *ad valorem* duties. As this matter was fully treated by my right hon. Friend the Chancellor of the Exchequer on Monday evening, it will not be necessary for me to enlarge upon it. The House must have seen that the object of the Government, in the arrangements which my right hon. Friend proposed, to do away with *ad valorem* duties, is chiefly to get rid of the great difficulties which are involved in the entries of such goods, and their valuation for Customs duties; and the report of the Committee bears me out in the belief that this is by far the most fruitful source of contention between the commercial community and the Government. The object of the importer is to introduce articles of the very highest quality, at the lowest rate of duty, and in proportion to the amount of duty is the temptation to declare articles below their value. When the duties were reduced to small and moderate rates, the number of disputes was greatly lessened; and with the same view the Government propose, as my right hon. Friend stated on Monday, to repeal all *ad valorem* duties as far as possible, for the purpose of making the articles on which they are levied altogether free, or putting them in a list chargeable with fixed rates. With the same view we have selected all the articles we could find which now come in as not enumerated, and, as such, necessarily charged with *ad valorem* duties, and have either placed them in the free list, or attached to them fixed duties, at rates somewhat lower than the *ad valorem* duties, to which they have heretofore been subject. It has been a question with the Government whether the 10 per cent on the value given to the merchant shall not be reduced to 5 per cent, to make the margin smaller within which those desirous of sailing as near the wind as possible can enter goods; but the number of articles left chargeable with *ad valorem* duties is so small, that we do not propose any change, and we hope no practical inconvenience will arise from that course. The next point on which the Committee report is "Seizures and stoppages, and adjudications of them." With regard to this very important subject, much angry discussion has been excited; but before the Committee made their report to us, the Board of Customs had already taken steps to remove two of the most important evils which had been complained of. First, as to Custom-house officers seizing goods and giving no statement of the cause, leaving the owner or agent in difficulty and embarrassment as to the reason why they were seized. As early as the month of August last the Commissioners of Customs published a notification on the subject, and I think it only fair to state to the House what they have done of their own accord, after the observations which have been made on those important officers. In the month of August they published this notification:—

> "The Commissioners of Her Majesty's Customs hereby give notice that directions have been given to their officers that, whenever they seize or stop any vessel, boat, or goods, they are to furnish the owner or agent a written notice, specifying the grounds of such detention."

So far, then, as that complaint is concerned, it is entirely met by this notification, that no goods shall be seized without a written notice to the proprietor or agent of the cause of that detention. The next serious imputation under this head was, that the Board of Customs was a sort of secret tribunal—a species of small Star Chamber, where causes were decided without the knowledge of the parties interested, and no fair means allowed persons to protect themselves and defend their property. But whatever just grounds there may have been for that imputation, I hope that another circular, which was issued by the Commissioners on the 23rd of August last, will entirely remove that objection:—

> "The Commissioners of Her Majesty's Customs hereby give notice, that they will be prepared, in any case of seizure in London, under the Customs laws, upon application being made to them in writing, and where the owner of the goods, &c. may be desirous of such a course, to appoint one of the members of the Board to take the evidence on oath, of the merchants or other parties claiming the property on the one side, and of the detaining officers on the other, supported by that of any witnesses that may be necessary for the proper investigation of the case, and to report the same for the Board's decision, agreeably to the practice observed in cases of complaints, by merchants and others, against officers."

So that now every person having goods seized or a complaint brought by an officer of Customs, may, if he think right, have the case heard in open court by one of the Commissioners, and may have the officers and his own witnesses brought face to face and examined upon oath; he therefore has all the security which he possibly can have in any court whatever. I need only say, with those two regulations the Government entirely concur. But then it may be said these regulations are inapplicable to the outports, and that it is the duty of the Government to confer similar advantages to those conferred on the port of London. It is provided by the Minute passed by the Treasury, that a similar inquiry may take place before the collector or controller of the port where the question arises; that the merchant may have the case tried before either of those officers in open court, the same as he can in London, so that the advantage will be extended to the smallest port, and no person will have his goods seized, or an information raised against him, without an opportunity, if he wishes it, of having it heard in open court, of having his witnesses confronted with the Custom-house officers, and of having all examined upon oath. I should also say, upon this subject, that greater power is given to the landing surveyors of amending the entries in all cases of small amounts, without an appeal to the Board, which creates unnecessary and considerable delay; and we have desired the Commissioners to watch the effect of this change, and, if they see no reason to the contrary, to extend it not only to London, but to all the ports in the kingdom. The next point on which the Committee report is one of very great importance—the law of costs and penalties. An impression prevailed that the Crown was not placed on an equality with the subject in regard to the prosecution and defence of Custom-house cases. The state of the law is this: with regard to civil cases, that is, where the Commissioners of Customs bring actions for the recovery of bonds which are disputed, or where any simple question of law arises, they stand exactly in the position of subject to subject; the defendant, if successful, receives costs of the Crown, as the Crown recovers costs of the defendant. For the recovery of penalties for offences by smuggling, the rule has hitherto been, that each party pays his own costs— that is, the Customs never recover from the defendant, and the defendant has no claim against the Customs. With regard to the third class, and which includes the great majority of cases which appear as Custom-house prosecutions, where goods are seized and penalties sued for, undoubtedly the law at present entitles the Crown to demand a bond of 100*l.* before going into court. If the defendant be successful, he has no claim against the Crown for his costs. If the Crown be successful, it has a claim against the defendant for costs, but which claim is generally confined to the bond of 100*l.*, taken in the first instance. Looking at this question, involving as it does important constitutional considerations, we have come to the conclusion on the whole, having regard to the altered tone and feeling in the time we now live, that the period has arrived when the Crown should be placed in exactly the same condition as the subject—that if the Crown is right in its prosecution it shall have a claim for costs against the subject, and if wrong the subject shall have a claim for costs against the Crown. It has been suggested to us that it very frequently happens, in cases of a vessel or goods being seized, that we either have a nominal owner or no owner at all, or some person entirely incapable of bearing costs, should the action go against him. It has been suggested, that before we go into court we ought to require security for costs, if successful. That seems a very reasonable proposition; but considering, on the one hand, that I may preclude poor men who are unable to furnish security for costs from making a fair defence of themselves, and considering, on the other, that we (the Crown) are in possession of the goods seized, I think we may venture to allow the law to remain as between subject and subject. Therefore, as regards costs for penalties, the Crown will now stand as subjects do towards each other—no security will be demanded in cases of seizures, and the Crown pays costs in the event of being unsuccessful. There is another most important alteration proposed with regard to these prosecutions. It has been suggested by the Committee whether a cheaper, quicker, and more economical tribunal connot be appealed to in cases involving only small amounts. I think we should show ourselves insensible of the great advantages derived from the establishment of County Courts, were we to pass over that observation of the Committee without feeling that, in certain cases, the great time and costs involved in Exchequer trials may be avoided. We therefore recommend, and the Treasury Minute authorises, the Customs Commissioners to include in their Bill a provision making it imperative on the Crown to resort, where the duties and penalties do not exceed 100*l.*, to the County Courts, or such other tribunals as the Treasury may direct, as being most suitable to the localities where the cases arise. We have given the choice to the defendant to have his case removed into a higher court, and tried by a jury, if he think fit. We have also made provision that the Custom-house Commissioners may apply to the Treasury if they can show peculiar circumstances in any case—because it sometimes happens that in cases of small amount, large and complicated principles are involved—to remove it into a higher court, and the Treasury have the power to grant that application. But in every instance, where the interest involved does not exceed 100*l.*, the Custom-house officer will be, as a rule, obliged to resort to the smaller courts, with power for the defendant to remove the case into a higher court to be tried before a jury, if he wishes. And further, in cases involving even larger amounts, and without any limit, if the Customs certify that from the simple nature of the case it may be left to the local tribunal, the Treasury shall authorise them to do so. There is a complaint made that if the defendant finds himself aggrieved, he can only bring an action against the officer in whose name the prosecution has been conducted. If a merchant have his goods seized, be put to great expense and enormous inconvenience, and at the end of a protracted inquiry find that he can only bring his action for damages against the Custom-house officer, he is undoubtedly placed in a very awkward and disadvantageous position. But as the law stands, I believe it will be found that no Custom-house officer having made a seizure, can bring any action, except by consent of the Board of Customs or by the Attorney General—that in practice the Commissioners of Customs must be considered the real plaintiffs, although the action is brought in the name of the officer. But, however, if there is any uncertainty in the state of the law, the Treasury Minute, which we have now passed, makes it imperative that every action brought in the shape of penalties under the Customs laws shall be brought, if not nominally, yet really, by the Commissioners of Customs—that they, under all circumstances, shall be the parties to be held responsible for the acts of their officers and agents. So, in future, any action for damages brought by a merchant for wrongful seizure, for wrongful detention, or for wrongful prosecution, shall lie directly against the Commissioners of Customs, and not against the Custom-house officers. Another thing is the complaint as to the limit of time within which actions must be brought against the Commissioners of Customs or their officers. By the present law all actions must be brought within six months of the cause of action arising. It not unfrequently happens that the trial in which the person is concerned is postponed over that period, and whilst uncertain and ignorant of the result, he will not commence his action. To remedy that evil, we have directed that in future the limit shall not be six months within the cause of action arising, but that within one month of the final determination of the court, the defendant shall have the right to bring any action for damages against the Commissioners of Customs. We propose to go further, and to permit such actions to be brought against the Commissioners of Customs in the County Court, when the amount sued for would bring it, in ordinary cases, within that tribunal. Another complaint is, that the Government has no prescription as to time within which proceedings must be taken. I think on this head there is some mistake. The usual limitation of six years runs with regard to the Crown as with individuals in every civil case; but, with respect to actions for penalties, the Crown is prescribed to a much shorter period of time, within three years, and as to similar cases brought before magistrates, to six months. We consider, therefore, there is no necessity to make any alteration in this particular, as the Crown is placed in no better position, but in rather a worse position than the subject, with regard to it. Here again the Committee report that it is desirable that where the penalties and duties on goods seized do not amount to more than 100*l.*, they should be brought before some cheaper tribunal than the Court of Exchequer. Now, with regard to that, as in the case to which I before alluded, we propose to direct that in all cases where the penalties and duties do not amount to more than 100*l.*, all actions shall be brought before some cheaper and quicker tribunal, and that the case may be decided by application to the County Court, or to such other and cheaper tribunal as the Treasury may authorise. Now I come to the next recommendation of the Committee, which has reference to a most important subject—that of the transit trade. There is no department connected with the commerce of this country which so strikingly shows the prosperity of our navigation and commerce as the transit trade. It may be remembered, when we had frequent discussions on the navigation laws in this House, some three years ago, there was one great and important advantage which we anticipated from the change in those laws, that we would be able, by making up assorted cargoes to the United States, to extend materially the shipping trade of this country, and that we should induce those European countries which before sent their goods at great inconvenience and expense to themselves to various parts of the world, to use this country, if facilities were granted to them, as a depôt from whence their goods might be despatched to all parts of the world. That anticipation has been in a most remarkable degree realised. The arrangements made to give facilities to this trade have chiefly been made at the ports of London, Liverpool, Hull, Goole, Grimsby, and Southampton; and the arrangements are, that goods may be landed from the ships of foreign countries, despatched in vans on railways, unopened and unexamined, across the country to other ports, again to be embarked for other countries. Thus, for instance, goods go from Hull across the country to Liverpool, from one ship almost directly to the other, without being examined or disturbed. To this arrangement, it is true, several objections have been raised—and objections, some of them, of considerable importance—such as that goods prohibited by our regulations—such as books in contravention of copyright, or goods with marks in imitation of British makers, might be imported in those that were not examined, or that there might be mixed up with them goods otherwise contravening the Custom laws. Now no doubt there is considerable force in these objections; but on consideration we have thought that it would not be desirable to withhold the facilities to which I have referred. If people find it for their interest to counterfeit British marks on their goods, and if those goods are examined and stopped here, we shall only force them to send those goods by another route, where we shall have no control over them whatever. If we revert to the plan that was formerly in use, and compel goods to be opened before they pass, we shall only direct the trade into other channels, but we shall not in the slightest degree put an end to the practice. We have therefore resolved that goods shall be landed, put into railway vans, carried, under the superintendence of a Custom-house officer, from one port of the country to another, and so embarked and re-exported to other parts of the world, without having been opened or in the slightest degree touched. That advantage has only been partially in existence for the last two years; but its great success, the remarkable influence which it has already exercised over the trade of this country, has been too important for me to pass it over without notice. Last year the goods which passed *in transitu* through this country—goods which before the repeal of the Navigation Laws were altogether excluded from British ships trading with the United States, were, among others, and independent of goods entered by value, to which I shall hereafter advert:—Butter, 203 cwt.; cheese, 5,026 cwt.; corks, 15,040 lbs.; grain, all kinds, 1,641 cwt.; ditto, 8,637 qrs.; glass, all kinds, 44,446 cwt.; ditto, 131,598 lbs.; spirits, all kinds, 400,852 gals.; sugar, 21,482 cwt.; wine, all kinds, 78,874 gals.; tobacco, 1,474,160 lbs. But there is another description of goods not requiring specification, but which consist of silk, leather, woollen, and cotton manufactures, watches, perfumery, confectionery, and other manufactured goods, which passed through this country during last year, amounting in value to no less a sum than 3,414,451*l.*; and during the last month, the month of March, the value of goods that have passed through the country was 420,000*l.*, or at the rate of 5,000,000*l.*

sterling per annum. The effect that this has had upon the shipping trade of the country has been something which, I think, is very remarkable; and I wish to call the attention of the House to the circumstance, because I wish to base upon these facts some important recommendations with regard to the Customs regulations. Now, I wish to call the attention of the House to the shipping in the port of Liverpool during the last six years—that is to say, three years before the repeal of the Navigation Laws and the granting of these new facilities, and the last three years that have elapsed since those events. I take Liverpool, because that is the port whence a large portion of goods passing in transit are exported. The table which I hold in my hand shows the shipping entered inward and outward at Liverpool in these periods, 1845, 1848, and 1852, distinguishing British from Foreign:—

	1845.	1848.	1852.
BRITISH.	TONS.	TONS.	TONS.
Inwards	914,352...	840,000...	1,055,000
Outwards......	924,097...	977,000...	1,130,000
Total British...	1,838,449...	1,817,000...	2,185,000
FOREIGN.			
Inwards	492,189...	553,000...	792,000
Outwards	488,376...	554,000...	808,000
Tl. Brit. & For...	2,819,014...	2,924,000...	3,785,000

Thus we find entered inwards and outwards, in the port of Liverpool, in 1845, of British tonnage, 1,838,449 tons, while the total tonnage was 2,819,014 tons. In 1848, the last year of the old system, there were entered inwards and outwards, of British ships, 1,817,000 tons, and the total 2,924,000; so that between these two periods there was a slight decline of British shipping, and a slight increase of 105,000 tons on the total. But now see what was the state of matters in the course of last year. There were entered inwards and outwards, in the port of Liverpool, in 1852, instead of 1,817,000 tons of British shipping, no less than 2,185,000 tons; while the total tonnage amounted to 3,785,000; so that where during the first period of three years before the Navigation Laws were repealed there was a slight decline in the tonnage of British shipping, and only an increase of 105,000 tons upon the whole; during the last three years there has been an increase of 368,000 tons of British shipping, and of 861,000 tons upon the whole. I think these facts are most important—I do not say they are to be attributed entirely to the transit trade—I know they are not; but when I show that goods to the value of five millions have passed in transit through this country, I think I have a right to say that a large portion of the increase is to be so attributed. Well now, it is the opinion of the Government that every possible facility, consistent with a due security against fraud, should be given to this trade. We expose our ships to competition with all the world; and it is, therefore, our first and bounden duty to afford the ships of this country all the facilities that we can to make them the carriers of the world. The Treasury Minute, therefore, which we have passed provides and calls upon the Commissioners of Customs to extend these facilities to all towns where railway communications exist, and where such goods arrive. In the town of Grimsby, for instance, and other towns of importance, the arrangement we have made is this, that on the arrival of a ship the goods are immediately removed from the ship to a railway van, where they are taken under the charge of a Custom-house officer to Liverpool, and there reshipped to the Brazils, or the United States, or any other part of the world without being disturbed; and still more, in order to give still greater facilities, whereas the law renders it necessary that each proprietor must give a bond to the Customs for the amount of the duty to which his goods are liable, we have made arrangements to take a single bond from those railway companies who are willing to give it, so that the proprietors may be altogether relieved, and we shall then hold the railway companies responsible for the safe delivery of those goods to a bonding port on the other side of the island. The Committee suggest, however, other facilities, which, I am sorry to say, we find it impossible to accede to. It has been suggested that similar facilities should be given to coasting vessels which we have already conceded to railways. I need not say to the hon. Gentleman opposite (Alderman Thompson), who is well acquainted with mercantile affairs, that the risk of sending goods by coasting vessels and by railways under the care of Custom-house officers are two very different things. It must be plain and apparent to every one, that were we to allow goods to be reshipped in coasting vessels without being examined, tobacco might be entered as flax—or, in short, that we should open the door to an extent of smuggling that would be perfectly frightful, and of which we could not tell the extent. We therefore think it impossible to concede this advantage without danger to the revenue and danger to the fair trader, of allowing goods to be sent on by coasting vessels without being examined. But with regard to goods which have been examined, we of course have no intention to withdraw the privilege which is already enjoyed, of removing them from one bonded warehouse to another, whether by coasting vessels or any other conveyance; because, when the Custom-house officers have once examined the goods, the duty can be levied in one bonded warehouse as well as another. But we also propose to introduce another important modification, which is not recommended by the Committee. At present, as the hon. Gentleman opposite knows well, there are large transactions going on between London and Liverpool, of goods being removed in bond; and in each individual case the merchant must give a separate bond for the amount of the duty in each transaction. Until lately he was called upon to sign a bond for double the duty—he is now called upon for one-half. But we think it will add to the facility of these transactions, if we take one bond, to run for a given time, which will cover the whole amount of the transactions that are likely to occur during that time, and to cover the risk. By these means we hope to reduce to the greatest minimum the amount of trouble necessary in these transactions, while we in no way endanger the security of the revenue. I hope the great success which, I have shown, has already attended the facilities afforded to the transit of goods, will induce hon. Gentlemen to feel that the Government will be justified in extending to them still further facilities. There is only one small and comparatively unimportant part of the recommendations of the Committee which I shall notice. They say, "Your Committee see no fiscal reason why the importation of arms of all kinds, whether in transit or for home consumption, should be prohibited." Upon this I have to say, that the Government see no reason for prohibiting the importation of arms *in transitu*, and that arms imported from all countries may pass in transit; but with this precaution, that in each case the party importing arms shall apply to the Treasury for an order, not with any view of making it a question whether the Treasury shall grant the order or not, but as a warrant to the Custom-house officer of the extent and character of the transaction, so that no improper use may be made of it. The Treasury orders will be issued, on application, as a matter of course. They are only intended to prevent persons from importing arms for political or other purposes, that would be in contravention of the law.

Mr. MITCHELL here asked what were the intentions of the Government with regard to the size of packages?

Mr. J. WILSON: I am obliged to my hon. Friend for recalling my attention to this subject. The Committee observe that the law which limits the size of packages in which goods are conveyed, and which applies to those cases where it might afford facilities for smuggling, should be altered so far as regards such goods imported for the purpose of being re-exported. With regard to spirits, tobacco, and such goods, the law provides that they shall not be imported in packages below a certain size, because if they were, the facilities for smuggling would be greatly increased. I have to call the attention of my hon. Friend to the fact, that such a distinction, if attempted, would open the door to simple and easy frauds, and afford all the facility for smuggling, which the existing distinction is intended to prevent. Suppose that a ship were approaching our shores, and that the Custom-house officers, on boarding her, were to find small casks of brandy, amounting only to ten gallons; the captain might say, "Oh, these are for re-exportation;" we should have no means of knowing whether the goods were really for re-exportation or were in the ship with a view to being smuggled for home consumption, and thus all facilities would be afforded for smuggling. But I can assure my hon. Friend that the practice adopted by the Commissioners of Customs will meet his views, because there are certain specific regulations which have received the sanction of the Treasury, which will allow the importation of small packages; but security will be taken, before the permission is given, that these small packages are really to be re-exported. Brandy in fifteen gallon casks may thus be imported for re-exportation to Mexico, Peru, and Chili, and wine in small cases of from one to two dozen bottles, but with the distinct intimation to the Custom-house that it is the intention of the importer to export them, notice of this fact having been given beforehand, so that there may be no excuse for evasion or fraud. But it is clear that if these regulations are to be of a general nature, you may bring in whole cargoes under pretence that they are for re-exportation by parties who may land them at various parts along the coast, who, if boarded, and if challenged as to their intentions, might say, "Oh, it is for re-exportation." That would be a facility for smuggling which we do not feel justified in conceding. The next point of the Committee's Report is with regard to fines on shipping. They say—

> "Your Committee is of opinion that the criminal responsibility of the crews of vessels for an act of smuggling on their part, ought, in most cases, to be a sufficient security to the revenue, and that it is therefore not expedient to detain the ship, or to fine the owner, excepting when the fraud has been committed by the captain or chief mate, or when such extensive preparations for fraud have been detected as to argue great negligence on their part."

Now, as far as regards this recommendation, Her Majesty's Government not only concur in it, but the practice at present is completely in accordance with it. Because I find it is enacted by Parliament that if a case of smuggling has occurred without the privity or wilful neglect of the owner or the officers, then the Commissioners of Customs are authorised and required to deliver the vessel to the owner. I have been particularly careful in making inquiry upon this subject, and, as far as I have been able to ascertain, this is really the state of the case, that it is the rarest possible thing for a vessel to be detained unless the captain or the owners have been privy to the fraud; and if that is not so, the vessel is immediately and at once released without any fine. Therefore, as far as I have been able to make out, I believe that the practice and the law are sufficient as they stand to carry out the recommendations of the Committee. They are recommendations in which we entirely concur; and if it can be shown that the present practice is not sufficient to carry out the spirit of these recommendations, we shall be ready to consider any alterations that may be suggested with that view. The next point is one of extreme interest, and of great importance—I refer to the system of bonding in warehouse. An institution of this kind, to which we owe, perhaps more than to any other commercial regulation whatever, the enormous growth of our trade, and which is identified with the industry and commerce of the country, is one that well deserves the consideration of this House. It is little more than 100 years since it was first proposed by Sir Robert Walpole; but he was compelled by the rudeness of the mobs which attacked Members of Parliament on their way down to the House, by petitions from the City of London, and by a state of insubordination, amounting almost to civil disruption in the country, to abandon it. It is a curious fact, that an institution which is now regarded by us—I may say by the whole commercial world—as one that gives commerce so many advantages, and which has in this country been peculiarly fruitful of great and striking results, should first have been proposed by Sir Robert Walpole, in 1733, and then abandoned from the causes to which I have referred. He then, for the first time, proposed to the House of Commons to adopt the bonding system with regard to tobacco and wine. At that time the practice was for the merchant, on importing the goods, to pay the duty; and when he re-exported them he received a drawback. That this system of drawbacks led to much fraud, there can be no doubt. Whether the merchants of that day were influenced by that consideration in opposing the system, it is not for me to say; but certain it is that the system was opposed by them, and that the Members for the City of London, under the direction of the Corporation, opposed it in the most strenuous manner, and the Members who supported it were mobbed in coming down to the House, so that the House passed resolutions that they would not be deterred from the discharge of their duty by the influence of mobs; but notwithstanding, after the Bill had been read a first and second time, and had passed the Committee, but before it was reported, the matter wore so serious an aspect in the country that Sir Robert called a meeting of his friends, and you will find in the Parliamentary History for 1733 this short anecdote:—

> "On the evening before the report was to be received, Sir Robert Walpole summoned a meeting of the principal Members who had supported the Bill. The meeting was largely attended, and he reserved his own opinion till the last. Most were for persevering, and they argued that as all taxes were obnoxious, there would be an end to the functions of the Legislature if this intimidation were submitted to. Sir Robert heard them all to an end, and then he shortly addressed them, and told them that he was conscious that he meant

well, but that in the present temper of the country the measure could not be carried without an armed force—that there would be an end to the liberties of England if supplies were to be carried by the sword—and that if it were resolved to persist in the measure, he must beg leave to tender his resignation, for that he would not be a Minister to force taxes from the people by the sword."

Accordingly the Bill was allowed to drop. It was postponed to a day on which Parliament was not likely to sit; and from 1733 the country was deprived of the advantages of this measure in consequence of mobs instigated by the merchants of London. But in 1803 we obtained the advantages of the system, and in consequence a great extension of the warehouses attached to the docks.

Now in the report of the Committee there is one complaint which is extremely just. The House will remember that the system of bonding is this:—You import goods, and instead of paying the duty at once, you get credit for it till you want your goods, and you leave the goods in the possession of the Crown, as a security for the duty. That is the theory. The original importer, the party who enters the goods in the first place, appears as liable to the Crown. The Crown knows no other owner of the goods. But the practice now is for these goods to be sold over and over again without being taken out of the bond; and it frequently happens that in the course of five, or ten, or fifteen years, the goods may have passed through six or eight, or any number of hands, from the time of the original proprietor, who is then as little cognisant of the existence of the goods as any one could be. Now it certainly is a great hardship when, on an investigation made perhaps twenty years after the goods have been entered, it is found that a large portion of them has been abstracted, that the original importer should be liable for duty to the full amount of the quantity landed. And yet it will be seen, if no other provision is made, that that would be the natural consequence. The way in which we propose to remedy this state of things is this:—The importer will at first do exactly as he does at present; he will be liable to the Crown; but if he part with the possession of the goods, he may then re-enter them in the name of the person who has purchased them, the goods being weighed, or measured, or gauged, as the case may be, so that he shall no longer be responsible for the duty, except for that part which is then deficient beyond the natural wasteage which is allowed by law; and, that small amount of duty paid, the goods will then remain at the responsibility and the risk of the new owner. Another proposition we have to make, according to the suggestion of the Committee, is, that the Customs shall be obliged every five years to take stock of the goods entrusted to their care. At first sight it may appear that this is a serious thing for the Customs to undertake; but practically I believe it will on the whole be easy, because it will not be a stock-taking at one and the same time of all the goods under their care, but the stock will be taken from day to day, of the goods which were entered on each particular day five years before. Now, the great bulk of the goods is cleared out in less than five years—wine and a few other descriptions of goods are the only exceptions as a rule. We propose that on the stock being taken, the duty shall be paid upon any deficiency, if there be any deficiency beyond that allowed by law, and that then the remainder shall be re-entered in the name of the new owner. By these measures we provide for two things: we remove the hardship to which persons are now subjected of being called on to pay the duty on goods which they parted with years before, and we prevent persons from selling goods inadvertently as being of a certain quantity, when by accident or by leakage they have been diminished below that amount. We hope by the practice of re-entering to meet these evils.

Mr. MITCHELL: Will every fresh transfer require a fresh entry?

Mr. J. WILSON: We mean that every person who has goods in bond, and who sells them, shall be at liberty—there will be no compulsion—but if he chooses he may re-enter his goods and pass them at the time he sells them to the person to whom they are sold. It will be a transfer, and he will be at liberty to transfer the responsibility with the property.

Mr. MITCHELL: Are they to be reweighed?

Mr. J. WILSON: That is done with regard to all sorts of the more valuable goods sold by reweight at present. ["No, no!"] But however that may be now, it will be an arrangement between the parties themselves, and it cannot be said that the seller will then have any reason to complain. Now, with regard to taking stock, it has been suggested to me that the change will involve a great deal of trouble. All we say is this—we wish to make a trial of it. If merchants find that it is inconvenient and troublesome to them, we have no reason to persist in incurring the trouble and expense. We wish to make the experiment; if it should succeed, we shall persevere; if it is proved to be onerous or inconvenient to the merchants, I do not think the Custom House will have any wish to persevere in the scheme. But it has also been suggested to me, that it may rather be a convenience than otherwise to merchants to be reminded at such intervals of odd packages of goods lying over, and perhaps forgotten and overlooked. There is another point in the warehousing system on which I wish to make one or two observations. There are, at present, three classes of bonded warehouses: first, those of special security; next, those of ordinary security, where the warehouse-keeper comes under a bond, and the merchant under none; and, third, those also of ordinary security, where the merchant gives the bond, and the warehouse-keeper none. We think that all these distinctions are absurd and unnecessary, and that there is no reason whatever why they should not all be put upon the same footing. We propose, therefore, that warehouses should be all of one class, and that in all of them the warehouse-keeper should be responsible to the Crown for any deficiency beyond that which is allowed by law, in the same way as he is responsible to his customer for the safe keeping of his goods. We think that there is a hardship and an evil in the multiplication of bonds, and as we have a bond from the warehouse-keeper, we think that it is unnecessary to trouble the merchant for a bond in each particular case.

Mr. MITCHELL: What do you propose with regard to removing goods from one floor to another?

Mr. J. WILSON: I ought to say in regard to that, that nothing is to be removed from one floor to another without being entered in the book always kept for the purpose, and which the officer signs, and which, if not neglected, is a perfect security to the warehouse-keeper. The next subject is the interesting one of passengers' baggage, with respect to which the Committee recommend that it should be examined on board. [Mr. W. Williams: Hear, hear!] The hon. Member for Lambeth has experienced the inconvenience of the present system, like all the rest of us. I have taken a great deal of pains upon the subject, and there can be no better proof of the pains I have taken than the modifications we are about to introduce. At Liverpool, the privilege is conceded to passengers by the North American steamers of having their luggage examined on board. But it must be obvious that in vessels of the size of the Liverpool steamers, with comparatively few passengers, with plenty of space on the decks, and an hour or two being of little consequence compared with the long voyage, it must be obvious that that is a very different case from the small steamers that come from short voyages up the Thames. The only place where I have found the system of having luggage examined on deck is at Antwerp, and I have no doubt that many hon. Gentlemen have, like myself, found it extremely agreeable to escape from the labours of this House, in the middle of August, and after steaming up the Scheldt, reaching Antwerp the following morning, and by the aid of having your luggage examined on deck, being able to depart by the first railway train, and catch a glimpse of the Rhine before nightfall. It certainly then seems a great contrast to the comparatively clumsy system that prevails in England. But in all sublunary matters there is unfortunately a dark as well as a bright side, and I have experienced the dark as well as the bright side of this plan; for it has more than once occurred to me, that, landing there in a soaking rain, my luggage has been exposed on the deck without the slightest shelter, and that has been productive of the greatest inconvenience, as well as loss of time. I think therefore that, upon the whole, things are better managed in this country. The difficulty in our case arises from the fact that steamers are arriving in the Thames at all hours of the four-and-twenty, and from the fact that many of them are so small as to have no convenience for the examination. Passengers arriving at four o'clock in the morning in the winter, would feel themselves greatly inconvenienced by being roused from their berths to have their lugguge examined, between Gravesend and London; but then I must say that there are constant complaints from passengers who, by the delay in their arrival, caused by the examination of their luggage, are prevented getting off by the trains and reaching their homes as soon as they wish to do. And being the more anxious to reach their home the nearer they approach it, they naturally become impatient when they get to London Bridge, and cannot go by the first train, by which they might be able to reach even Edinburgh or Dublin the same day, if not detained in order to have their luggage examined. Now, we propose to deal with this matter by a middle course—namely, that every passenger who has one or two packages, may have them examined between Gravesend and London without any detention; and all persons having a great number of packages may have a carpet-bag examined on board, provided it contains no articles liable to duty, it being necessary that such articles should go to the Custom House to be charged. That plan, I think, under all the circumstances, will be more convenient for the public, and more consistent with the safety of the revenue, than any other arrangement that could be adopted. With regard to large quantities of luggage, the warehouses now used will still be open, and the same means of examination will take place. With regard to Dover, we have made arrangements for the night train arriving from Paris to be examined on its arrival at London Bridge; and with respect to Folkestone, instructions have been given that every possible facility should be afforded by the Customs officers from time to time. The next subject to which the Committee advert is, the hours of attendance at the Custom House; and they recommend that the hours should be from seven in the morning to five in the afternoon, and for in-doors from eight till four. I must inform the House that a few years ago regulations were adopted for all parts of the kingdom with regard to the hours of attendance; but it was immediately found that so great was the variety of the circumstances under which the trade of different ports was carried on, that one uniform rule could not be applied alike to all cases, and the Commissioners were therefore obliged to adapt the rules to the convenience of the varying wants of the trade. At Hull, at the present moment, the men are at work from six in the morning to six in the evening, with an hour for breakfast and dinner; but there the men all live close to their employment. At Liverpool, and also at the port of London, on the other hand, the officers living at a great distance from their work, a different arrangement, suitable to the character of the trade, has to be adopted. Upon this subject the Commissioners of Customs have thought it advisable to consult with the dock authorities, whose opinion they were anxious to have, whether any improvement could be made with respect to the hours of attendance. He would read the reply which Mr. Powles, the Secretary of the London Dock Company, had made to the Board of Customs on this matter. [The hon. Gentleman read the letter in question, which expressed the concurrence of the Directors of the London Dock Company in the opinion that the present hours of attendance at the Custom House were sufficiently adequate for all the purposes of business, except in extreme cases of emergency.] That was the answer of Mr. Powles; and the Commissioners of Customs are of the same opinion, because it must be obvious that at Liverpool and London, where the men live at a great distance from their dwellings, they must either resort for their refreshment to the taverns, which I think is extremely undesirable, or they must go to their homes, in which case the time they are allowed for their meals must be extended, which would cause greater interruption to business. At the same time, directions have been given that every assistance should be rendered where it is applied for, and specially where the merchants are willing to pay the officers extra for working over-hours. Arrangements have been made to enable vessels to be cleared at much later hours in the evening than they used to be, and I think that they will meet all the necessities of the case. But it is not desirable to extend the hours in the way that has been recommended, without considerably increasing the emoluments of the officers. The Customs staff—I may almost call it an army—consists of upwards of 10,000 men, who do not consider themselves at present overpaid; and it must be borne in mind that the tendency of the age is rather towards the abridgment than the prolongation of the hours of labour. Again, when it is remembered that the attendance of the men is continuous, and without any break at all, I think the House will agree with me that, with the modifications to which I have alluded, the system I have named is better than the laying down of any rigid and inflexible rule on the subject. I now come to a part of the question which is by far the most important in the whole range of topics with which I have to deal, and that is as to the simplification of the entries of free goods. Now, undoubtedly, we have been flattering ourselves—and perhaps too much—for some years past, while we have been repealing Customs duties, that we would thereby be enabled to affect great saving of time and labour in transacting the business of the Customs department; but it ought not to be lost sight of that there is this wide difference between Excise and Customs duties, that when my right hon. Friend the Chancellor of the Exchequer repeals the duty on soap, for instance, there will be no longer any use for the officers who levy that duty, any more than if the soap duty had never existed. So with the glass duty and all Excise duties; and it may be taken as a canon, that if you would touch an Excise duty you must remove it altogether if you wish to effect economy in your establishments. But with regard to the Customs the case is totally different, and if you relax in any degree the strictness with which you examine free goods, you are liable to bring the revenue into serious jeopardy. Now, what the Committee recommend with regard to free goods is this—"that the ship's manifest and the report of her consignee be the sole entry required; that a copy of them be sent to the landing-waiter as his warrant;" and that is the whole of the knowledge on which he is to act. Now, what is the manifest of a ship? It is simply a list of the cargo, and a list that necessarily and in many cases tells nothing of what the cargo is composed. You have so many packages marked so and so, from 1 to 100, and "contents unknown." What kind of information can the Customs officer derive from a manifest with "contents unknown?" And see what facilities for smuggling such a system would lead to. Suppose you have a mixed cargo of goods arriving, and there is a number of packages, as is frequently the case, consigned "to order" with a bill of lading. Those goods might be found to contain smuggled articles, and if they are detected, no person comes forward to own them—no person makes the individual entry, and the owner is unknown. The wharfinger, at whose wharf they arrive, clears them, because he wishes to get rid of the ship, or the consignee clears them; and if they pass the Customs officers, well and good—the owner comes, and presents his bill of lading, claims the goods as his, and takes them away. But suppose, on the other hand, that tobacco is found in the centre of a cask of potatoes. There is no one to own them, no entry, no agent, and there is an end of the matter. Now, in order to show the House the great danger we should incur by such a regulation as that, I must describe a few cases in which smuggling transactions of this kind have been attempted on a large scale within a very recent period. A short time ago a large importation of oilcake took place into London (an article that is duty free), and it was imported in open baskets from Belgium, without the slightest apparent attempt to hide it. A piece broke off, and a Custom-house officer standing on shore, who came from the country and was a judge of oilcake, picked it up and smelt it to judge of the quality. The smell made him sneeze very much, and excited his curiosity. On examining it very closely he discovered that this oilcake was compressed snuff in the centre, with oilcake on each side. As soon as this officer found it, the agent passing the goods, fearing that he would be implicated, came forward and gave the name of the proprietor who employed him, and told the officers that he had passed a large quantity of the same article from another wharf that very morning, and which had been actually removed; but in consequence of this accidental discovery, they were followed and seized; and it came out afterwards that there was 56 cwt. of oilcake, and 52 cwt. of compressed snuff, which was liable to a duty of 1,666*l.* We had a similar case at Leith. A quantity of potatoes had been imported, and the bill of lading was made out in the name of Long; but no such person was known. The Customs officers had an intimation of an intention to smuggle, and on examining the goods found a large quantity of tobacco at the bottom of five casks of potatoes; but in consequence of the discovery no person claimed them; although, had the goods passed, they would doubtless have been claimed at once. Five months afterwards, however, the person to whom these goods had been consigned, finding that he had not made the sum of money which he had expected, came and asked what reward would be given to him if he afforded information of the transaction; and for some reward that was offered, he made disclosures to the Customs authorities, which led to the discovery of a very large system of fraud upon the revenue. I wish, by these instances, to show the House the necessity, whilst every facility is afforded to commerce, of taking precaution to secure the interests, not only of the revenue, but also of the fair trader. Ostend butter has now become a favourite article of consumption in London, and is largely imported. As it is fresh butter, on the steamboats arriving every morning there is great anxiety, on the part of the owners, to get their goods to market, and the Customs officers afford every facility for that purpose. But what took place a short time ago? A number of cases of this butter arrived by steamer one morning, and the person to whom it belonged was in a great hurry to get it cleared. The officer did not weigh it, being contented with counting the rolls; but, with a piece of clean wire, probed two of the rolls, and felt something hard, and it was found that each of the rolls concealed a long tin tube, one of which I hold in my hand, containing fine tobacco, the butter being in fact a kind of envelope for the tobacco, and the duty upon each case amounted to 20*l.* Again, at Liverpool, a short time ago, thirty-two tierces of provisions arrived from America and were landed, and the dock authorities prepared to clear them. Only one or two hogsheads are examined in such cases, but one of them happened to tumble to pieces, and out came a large quantity of tobacco. The owner never came forward, but if the tierces had passed he would have brought the bill of lading, and claimed the goods next day; but as the tierces contained a large quantity of tobacco, which rendered him liable to a heavy penalty, he never appeared. Again, at Glasgow, lately 120 barrels of rosin were landed from a ship. The rosin was run into the barrels in a liquid state, then allowed to congeal, and came here in a solid state. The officers in such cases examine about one barrel in every ten; they cut the barrel in two, and if all is right it is allowed to pass. Well, it so happened that these 120 barrels passed, by the parties having barrels of the right sort placed the most conspicuous; but from subsequent information the officers followed the goods, and on examination found that 100 of the 120 barrels contained in the centre a quantity of tobacco, the duty upon which was 500*l.* Again, a large steamer, the *Baron Osy*, arrived in the river in September last, with large casks of what was supposed to be rapeseed oil. The goods, being free goods, were passing with a slight examination, but an accident happening, one of the pieces of a cask came out, and it was discovered that there was an internal lining of tobacco all round the oil. The duty upon the tobocco thus attempted to be smuggled amounted to 1,500*l.* While I am upon this subject, and being anxious to put the House in full possession of the difficulties of the case, there are two other instances of smuggling to which I must advert—one of which is small, but the other is of great importance, as showing the practice of the Customs with regard to the connexion between the mates and crews of ships and the owners of goods. The *City of Boulogne* steamer, plying between Boulogne and London, arrived in the Thames a few months ago, and in consequence of an intimation they received, the officers of the Customs having gone on board, went into the chief mate's room, and found him dressing. Pointing to a pair of boots, the officer asked the mate whose they were, and he replied that they were his. The officer, on taking hold of the boots, found that there were forty watches in them. Upon further investigation he found lying beside the mate, ready to put on, this article of dress which I hold in my hand, and which is made to go over the neck, covering the chest, and with strings to tie behind, and contains small holes for forty watches, and no doubt in half an hour the mate would have walked ashore like a well-dressed and large-chested man, with his valuable prize, had he not been detected in time. Now, I must refer to a case of a very serious nature, and I feel the more bound to refer to it, because it is one which not only has attracted a great deal of notice, but with regard to which some portion of the daily press, and some men of the highest standing in the city of London have been grossly imposed upon, and made—unwittingly, I am sure—the means of bringing the most serious charges, which were destitute of the slightest foundation, against the most deserving officers of the customs. Last year, the case of a Mr. Marchant came before the hon. Gentleman who held the office which I have the honour now to fill. Early in 1852, the Commissioners of Customs received an intimation from certain persons that a very large and extensive system of smuggling was being carried on; but the Chairman very properly said that the board could not act upon mere general information, but that it would do so if it received specific information that would lead to the detection of the parties. Two or three weeks afterwards, the same persons came back, with the distinct intimation that Mr. Marchant was engaged in these transactions; and although his place of business was in Red Lion Street, Holborn, they pointed to a place behind Bedford Row, called Jockey's Field, where a very large quantity of contraband goods would be found. The officers of Customs were despatched thither; they knocked at the door, and were admitted by a lady of very respetable appearance, of the name of Paine, who, on being told their errand, affected the greatest possible indignation, entirely denied all knowledge of Mr. Marchant, and declared that she had never heard of him before. The officers searched the house in vain, and were about to leave, when one of them happened, rather by accident than anything else, to knock against the landing of the stair with his heel, thought it sounded rather hollow, and, on looking, found a secret recess covered by a carpet; and this led to the discovery of a trap-door, communicating with a hole, which contained eleven cases of watches, &c., of the value of 5,000*l.* The woman became alarmed, and a person coming to the door, the officers asked him if he was Mr. Marchant. The man said, "No—No," and walked off; but he was subsequently identified as Mr. Marchant. The whole of the cases were locked, and the officers asked for the keys, but they were not produced, and they said that the cases should be sealed and carried to the Custom-house; and if the woman would go there, or send any one on her behalf, they would be opened in their presence, and their contents noted down. The goods were removed to the Custom-house, and the solicitor for the party attended next day, when the goods were opened and scheduled, and everything was done that was necessary to satisfy the party that a fair account was taken of the goods seized. An inquiry began as to the proprietor of the goods, and a correspondence was seized, showing that a very extensive and organised system of smuggling was carried on—that the steamboats between the Continent and this country brought over the cases, which came from Geneva, Boulogne, and Paris. The letters also spoke of men by the name of Monday, Tuesday, &c., and indicated that great discussion had gone on with respect to the terms upon which the smuggling was conducted. Well, goods so seized, if not claimed within a certain period, would, according to the law be forfeited to the Crown; and no one appeared to own them. Mrs. Paine, who never denied, if not smuggling, at least harbouring the goods, was prosecuted, and sentenced to imprisonment. The goods were put up for sale, when Mr. Marchant came and bought a portion of them in on his own account, but he had never claimed them. Several months afterwards, however, when the case had been compromised by the payment of a fine of 250*l.* by Mrs. Paine, and the forfeiture of the goods, and there was no longer any danger, Mr. Marchant came forward with a petition, said that he been hardly dealt with, and begged that his property might be returned to him. The Board of Customs not listening to his petition, he then applied to the Treasury, and the hon. Gentleman opposite examined the case, but sent a short reply, declaring that he would adhere to the decision of the Board of Customs. Mr. Marchant, however, finding a new Government coming into office, repeated his application to the Treasury, who, having inquired into the whole of the circumstances, returned the same answer as the hon. Gentleman opposite had done before. Well, this man went with his complaints to other quarters; he wrote to Mr. Travers, an eminent merchant in the City, imposing upon that gentleman, making the most odious charges against the officers of Customs, which, I regret to say, respectable quarters have repeated, and declaring that if they would only give him his papers he would prove everything. Well, what were the facts? The goods were seized on the 10th of February; on the 12th the bill-book of the party was returned, and in the early part of March every scrap of paper was returned by the officers of the Customs to his solicitor, who gave a receipt to the Customs authorities; and yet, after giving a receipt for every one of his papers, the man comes forward and accuses the Customs authorities with withholding them, and charges the officers of Customs with a gross abuse of their trust. Now that is the basis of the whole of the accusations against the officers of the Customs, with which some portions of the press have lately abounded. At the same time, when the officers of the Customs have no longer a money interest in these seizures, they will not labour under the suspicion of being actuated by personal and interested motives, and will therefore receive a higher moral support from the community in the execution of their duty. I trust that the circumstances which I have stated, every one of which I have the papers to prove, will exculpate this body of men, who have discharged their duty faithfully and honourably, from the gross and libellous charges which have been made against them day after day by the daily press and by pamphlets, which I believe have been circulated among all the Members of this House. But there is one curious thing which I ought to mention, as it connects Mr. Marchant with the mate of the *City of Boulogne.* Among the papers seized was a copy of the memorial which the mate himself presented to the Board of Customs; and, more than that, one of the watches, which was found in the mate's boots, was found to have been in Mr. Marchant's possession, and to have been sent to Geneva for repair. Now these cases to which I have adverted I think sufficiently show how very cautious we must be in dealing with this question of the entering of free goods. We are disposed in every possible way to extend the facilities afforded, because one of the great advantages which were anticipated from the repeal of the duties upon raw materials was, that it would reduce the expenses attendant upon the importation of this class of articles, and abridge the time necessary for their clearance. But the only way in which we think we can do this is, not by the mode suggested by the Committee, but by a plan which we hope will answer a great part of their objects. As a general rule in the introduction of free goods, time is of the greatest importance; and we have arranged that a separate room, distinct from the long room, shall be applied for the entering of goods of this description, so that on the arrival of a ship the agents may go to this separate room, that no time may be lost in effecting the proper entry, and in enabling the owner to enter them, and that the necessary papers for clearing and landing the goods may be immediately despatched to the wharf where the vessel is to be discharged. By this arrangement I believe we shall secure to the merchant as great facilities as we possibly can, without endangering the revenue; or, what is of fully equal importance—namely, without inflicting injury upon the fair trader; because I hold that it is one of the first duties of the Government which imposes duties which are necessarily some impediment to the operations of trade, to take care that those who fairly and honestly pay the duties shall not, by its laxity in enforcing its regulations, be exposed to an unequal competition with those who defraud the revenue. [Mr. MITCHELL made a remark about free goods entered outwards.] With regard to the entry of free goods outwards, the Committee recommended that, as there is now no duty on manufactured goods entered outwards, it would be sufficient that every shipper should send to the agent for the ship a bill of lading, containing on the back the information required for statistical purposes, and that entries at the Custom. House should be dispensed with. Now, there was scarcely a case where a ship left this country without having on board goods of either one or both of the following descriptions—namely, goods removed out of the bonded warehouse and shipped in bond, or goods subject to drawbacks. These are the reasons that lie in the way of the adoption of the recommendation of the Committee. If there were no goods belonging to either of these two classes, vessels might be allowed to sail with only such an entry as has been suggested; but seeing that every cargo of mixed goods included both of these descriptions, it is clear that the Custom-house officers must have cognisance of everything which precedes the discharge of such ships, and the sailing of them. The next point to which the Committee refer is that of the codification of the Customs laws. Now perhaps the House is not aware that prior to the year 1825 there existed no fewer than 1,500 laws relating to this department, but in that year the number was reduced to six Acts of Parliament. These Acts included everything relating to management, regulation, smuggling, informations, registry, duty, &c., connected with the Customs department. The labour was performed by one gentleman; and I now hold in my hand a book which Mr. Huskisson exhibited to the House some twenty-five years ago as the greatest mental effort that had been made for many years. These Acts were classified by James Deacon Hume, Secretary to the Board of Trade; and I believe that no more meritorious work was ever performed by a public servant. The 1,500 Acts to which I have referred were all reduced to this small volume; and when Mr. Huskisson held it up, he did so with an air of the greatest triumph. The case of Mr. Hume furnishes a remarkable example of the impolicy of the present regulations with regard to the promotion of the officers employed in the Customs. I think there ought to be no branch of the public service in which a man may not, sooner or later, by great efforts, look to a more prominent position. Mr. Hume entered the public service in the humble capacity of clerk in the Customs. By his merit, and his merit alone, he rose through the various branches of the Customs until he was made Secretary to the Board of Trade by Mr. Huskisson; in which position, as I have said, he performed one of the greatest mental wonders ever achieved by man; and it is certainly no stretch of imagination to conceive that Mr. Hume might even have become a Minister of the Crown. If, after retiring from the Board of Trade, he had been disposed to have entered Parliament, many places would have been proud of such a Member; and if in Parliament, any Government might have been proud of such a colleague. That work having been performed, it was not difficult from time to time to codify the fresh regulations that were made; and in the years 1835 and 1836 they were again codified, under the care of Mr. Poulett Thompson. We have given instructions to the Solicitor to the Customs to reduce these six Acts into one, which shall include everything that is necessary for the management of the Customs establishment. That gentleman has undertaken the work; and, discarding altogether technical terms —using plain, simple language, that no man reading English can misunderstand—arranging the transactions relating to importation and exportation in all their various branches in the simplest order—I hope very shortly to be able to lay on the table that Act, which shall include every existing law and regulation with regard to the Customs management. And after that is done, in order that there may not exist any excuse or ground of complaint, we have instructed the Commissioners every month to publish any new regulations that may be made, so that they may be included every year in a new Act of Parliament. Every regulation adopted from time to time for the extension of commerce will thus be brought before the public from year to year, so that one single Act of Parliament shall contain the whole of the existing Customs regulations. I now come to the question of the outports, which is again one of very great importance. When the present constitution of the Board of Customs was framed, when the present regulations were originally laid down, the commerce of the country was in a different state from the present, and in no respect more different than with regard to the relations of the outports with the port of London. How stands the comparison between the year 1817 and the present time? The following statement shows the tonnage of some of the ports at the times I have mentioned:—

	1817.	1850.
Liverpool .	700,464 tons .	3,786,000 tons.
London . .	1,226,885 „ .	3,289,000 „
Hull . . .	268,706 „ .	836,000 „
The Clyde .	106,542 „ .	435,000 „
Newcastle .	260,000 „ .	1,165,000 „
Southampton	43,000 „ .	299,000 „
Bristol . .	108,851 „ .	217,000 „

But this is not all. Let me call the attention of the House to the remarkable extent of the export trade of Liverpool, in order to place the matter in another light. The total value of the exports of British manufactures in 1850 was 71,300,000*l.* Of that sum the exports from London amounted to 14,137,000*l.*, whilst the exports from Liverpool were no less than 34,891,000*l.*; being more than double the exports from London. The exports from Hull in that year amounted to 10,366,000*l.*,—being within 4,000,000*l.* of London. The exports from Glasgow and the Clyde were 4,150,000*l.* The exports from these four ports, taken together, amount to 63,544,000*l.*; leaving only a balance of 7,756,000*l.* for the whole of the remaining outports, about seventy-nine in number, including 920,000*l.* for Newcastle, 1,859,000*l.* for Southampton, 366,000*l.* for Leith, and 362,000*l.* for Bristol. These facts will show the House that the time has come when there must be an entire change and reorganisation of the system. Circumstances were very different when London was almost the only place requiring Custom-house authority. I said, in the early part of my observations, that it was not the intention of the Government this evening to make any statement with regard to the reconstruction of the Board of Customs. But, at the same time, I may state that the subject is under our consideration, and before any long period shall elapse, we shall be prepared to state our views on that subject. But I think I may say this much at the present time—that, whatever reconstruction of the Board of Customs may take place, Liverpool must have some responsible functionary of its own, who shall be placed in such a position as to be able to decide from day to day, and from time to time, the all-important questions which necessarily arise between the Customs and the merchants. Whether there is to be a Board, or whatever may be done for the government of the Customs at large, I think I may state it as the decision at which the Government have with very little difficulty arrived, that Liverpool must, under the circumstances, be treated in that way. In the meantime, we have felt the case of Liverpool required immediate consideration, not only because Liverpool has acquired its present status, but because it is rapidly increasing, and every year showing a greater contrast with other ports; and we think we are scarcely justified in postponing for a day some measure which will enable the Liverpool merchants to obtain an immediate decision in a vast majority of cases. We have authorised the Commissioners of Customs to extend to the existing authorities at Liverpool the power of dealing in all cases where duties do not exceed 100*l*. They will be able to decide all ordinary cases, subject to such modifications and instructions as the Commissioners may think necessary in particular cases. But, as I have said, in all ordinary cases they will have the power of deciding up to the amount I have mentioned without appealing to the Board in London. They are to have the power to adjudicate at once, and the merchants of Liverpool will enjoy the advantage of having their cases discussed in court, and parties examined on oath, as in London. A weekly report is to be sent by the Liverpool authorities to the Commissioners in London, for the purpose of preserving uniformity of practice in all the ports of the kingdom. If that were not so, you might have one practice in Liverpool, and another in London and the other ports of the kingdom. The reports to be thus sent up will give the Commissioners the opportunity of discussing any particular case, or rectifying any discrepancy of practice which may arise. The County Court of Liverpool will also be open to those parties who may wish to apply to it. I can speak in the highest terms of the present Judge of that Court. I believe that in many cases in which very large sums are involved, the merchants of Liverpool, by consent, are in the habit of using that Court, and they will now have the opportunity of resorting to it in all cases limited to the sum I have mentioned. And we are more induced to extend these great advantages—I will not call them privileges, because in the case of Liverpool they are rights rather than privileges — we are induced to extend these advantages, because, after the facts which I have stated, I think no person can overlook the fact that Liverpool must become the great commercial emporium of this country. If you take a radius of 100 miles — now only three hours' journey — at the back of Liverpool, you will find it embraces almost every locality of a productive character in this country. You have the manufacturing districts of Lancashire and Yorkshire—you have the Potteries—you have the iron districts of Staffordshire—you have Birmingham, Coventry, Nottingham, Leicester, Derby, Sheffield, and many other important districts — and it is quite clear that the geographical facilities of Liverpool must continue to render it more and more an important commercial place. Then, again, with regard to our chiefly-increasing trade — our trade with America. There is the Mersey, with her arms open to receive the commerce — almost wooing the whole of the western hemisphere. It is from these considerations that we feel justified in announcing at once, that in whatever way the Customs shall be managed—whether by Commissioners or in any other way — Liverpool, if not independent, must be put on the footing of perfect equality and co-operation with London. There is another point with regard to outports to which I must allude, and with regard to which much dissatisfaction exists: I mean their present mode of classification;—which determines the class and salaries of the officers appointed to them. I must say that we consider the present plan very objectionable in many ways. You can find no one single test of the requirements of a port. You must take shipping, trade, and revenue collected, and come to a decision on a balance of the whole; for there is the greatest possible difference relative in these three elements of a port. I hold a statement in my hand which at one view exhibits a comparison of the shipping, the exports, and the revenue collected at some of our chief ports. Now see how little you can determine as to the importance of a port from any one of them. It is as follows:—

COMPARISON.

	SHIPPING. Tons.	EXPORTS. £	REVENUE. £
London	3,289,000...	14,137,000...	11,285,000
Liverpool	3,786,000...	34,891,000...	3,509,000
Hull	836,000...	10,366,000...	353,000
The Clyde	435,000...	4,150,000...	1,085,000
Newcastle ...	1,165,000...	920,000...	527,000
Southampton	299,000...	1,859,000...	91,000
Bristol	217,000...	362,000...	1,101,000

Here we find London with 500,000 tons less shipping, and 20,000,000*l*. less exports than Liverpool, yielding three times the amount of revenue; and Bristol with one-fourth of the shipping, and one-thirtieth part of the exports of Hull, giving three times the amount of revenue. Therefore a balance must be taken of all these circumstances. We mean, therefore, to abolish the present system of classification altogether, and to deal with each port on its own merits, in respect to these three considerations taken as a whole, and to frame the establishments accordingly. This will put an end to much contention and heartburning. I have now gone through the fourteen heads suggested by the Committee; but there is one small subject, so kindred to this matter—upon which, however, the Committee do not report—on which we propose to make a change of much importance, that I trust the House will extend its indulgence to me for a few moments longer. The change to which I allude relates to the Isle of Man. When the Isle of Man became a part of the British empire, the Customs duties were much lower than those which were charged in other parts of the country. A difficulty arose with respect to smuggling; and the scheme fallen upon to check smuggling was this. It was arranged that, with regard to particular articles which are subject to high rates of duty—such as brandy, Geneva, tobacco, sugar, rum, eau-de-Cologne, &c.—licences should be issued to particular persons to import, in limited quantities, those articles; and it was thought—and, I think, fairly thought—that as these quantities would most likely be limited to the consumption of the island, no very extensive smuggling would take place. Numerous applications have recently been made to the Treasury, complaining of the present system, and I consider it a most inconvenient and prejudicial one. For to what did it lead? To a sort of monopoly. There was no competition, and the advantage of the lower duty was swallowed up by the increased profits of the importer. After consulting the Lieutenant Governor and the Commissioners of Customs, we have come to the conclusion that it will be the most wise course entirely to abolish the licensing system which has hitherto prevailed; to raise to a degree, to which the Lieutenant Governor sees no objection, the rates of duty now charged, and to admit importation to any extent whatever. We propose, by taking away the licensing system, to remove all restraint. Of course the quantity imported will always be known to the officers of Customs, and if any improbable or unexpected quantity should be imported, additional vigilance will, of course, be exercised. There are some other minor restrictions relating to the Isle of Man which we propose to remove; but as a Bill will be introduced on the subject, I need not detain the House further on that point. Sir, I cannot conclude my observations on this subject without referring, in some degree, but very shortly, to the great blame which has been attached to the Customs authorities in London. I do not think much blame has been attached to them from the outports, but a great deal has been said in London during the time these discussions have been going on. Now let me call the attention of the House to this remarkable fact. I will first ask them to consider the onerous task which these Gentlemen have to perform to the public, to the Crown, and to the fair trader—to look at the rapidly extending character of the trade of the country during the last few years, and the pressure which has been placed on those officers, and to bear in mind the following facts. If you look back you will find that, in the year 1832, the value of the exports and imports of the country together was 82,000,000*l.*; while in 1852 the amount had increased to 187,000,000*l.* Now, how does the case stand with respect to the quantity of shipping? In the year 1832 the tonnage inwards and outwards was 5,600,000. In 1852 it had increased to 16,000,000. I ask you to consider these circumstances when you look at the way in which those officers perform their duties. Now let the House look at the other side of the picture. In 1832 the number of men employed in the Customs was 10,770. In 1852 the number was 10,868. I ask you whether it is not fair to those men—looking to the enormous and rapidly-increasing trade of the country within the last few years—to consider the pressure of business which has been thrown upon them. Then, again, let me call the attention of the House to the cost of collection. In 1832 the cost of collection and management was 1,376,060*l.* In 1852, notwithstanding the increase in the exports and imports, from 82,000,000*l.* to 187,000,000*l.*, and the increase of tonnage from 5,600,000 to 16,000,000, the actual expense of collection and management was only 1,268,000*l.*—being in fact upwards of 100,000*l.* less than in 1832. These are facts which ought to be borne in mind when you consider the case of the Customs officers. My object in laying the papers on the table is, that the greatest possible publicity may be given to the intentions of the Government in framing the Act now in the hands of the Solicitor of Customs. I will take care that these papers shall, in proper numbers, be sent to the various outports of the kingdom; so that, from the highest to the lowest, the merchants may have the opportunity of seeing for themselves what are the proposed alterations and modifications, and of making such representations as they may think desirable; and I may fairly say that we do not consider ourselves in the slightest degree bound to any proposals I have made—that they are open to alteration—that the very purpose I have in stating them is that alterations may be suggested and fully considered. We are desirous of extending in every possible way every possible freedom to trade that we can, consistently with a due regard to the interests of the revenue and the interest of the fair dealer. At the same time, I must say, that while that has been our object in framing these regulations, I for one, and I am sure my right hon. Friend the Chancellor of the Exchequer yet more, would regard it as one of the highest crimes of which a public man could be guilty, if, for the sake of trimming our sails to catch public opinion on a popular breeze, we should consent to do anything with regard to a branch of the revenue amounting to 22,000,000*l.* a year, and covering so great an interest, which we thought would jeopardise the revenue of the country, or place the fair trader in an unfair position. I will only add, that I trust the statement which I have made will be received by the House, subject to such modifications as shall, on due consideration, be thought perfectly fair and just. I beg to move—

> "That a Copy of the Treasury Minute of the 17th of August, 1852, concerning the Regulations of the Customs, and of the reply of the Commissioners; and also of the Treasury Minute of the 14th of April, 1853, relating to the same subject, be laid on the Table."

Mr. MITCHELL said, he considered the statement of the hon. Gentleman, except in one important respect, exceedingly satisfactory. He thought the hon. Gentleman had met the just claims of the mercantile interest in a fair and liberal manner. He wished, however, to make a few suggestions on some of the subjects which had been brought under the consideration of the House. And, first, with regard to the appointment and promotion of officers. He did not exactly understand whether the hon. Gentleman confined his promotion to the office of landing waiter, to superintending lockers, and the class of lockers. The hon. Gentleman was aware that there were other classes, such as gaugers, weighers, and tidewaiters. Were they to be excluded in the same rigid manner as they were at present?

Mr. J. WILSON was understood to say that there would be no exclusion whatever, but that the offices would be open to every one.

Mr. MITCHELL: He considered the statement of the hon. Gentleman with respect to fines and satisfactions was perfectly satisfactory. He did not think, however, that the hon. Gentleman had done justice to the amount received by the officers, for in one year they received as their share of fines and penalties the sum of 10,890*l.* 7*s.* 7*d.* That was a large sum, and Sir Thomas Fremantle, in his evidence before the Committee, admitted it had a great effect in making the officers perhaps too strict in the exercise of their duty. He was of opinion that except in the case of the coast guard service, where life was occasionally risked, some material alteration should be made. He should like to know whether, in the case of goods seized for undervaluation, and subsequently sold, the Crown was to get both profit and loss in all cases. Supposing there should be a balance of profit, that ought not to go to the fund of the officers. He thought the fund ought to be constituted from fines and satisfactions, and not from goods sold on account of the Crown. With respect to the *ad valorem* duties, he had not had time to examine the Schedule, which he received only yesterday. He trusted they were fixed on one basis, namely, a duty somewhat under the average duty. There were two articles with respect to which he thought the regulations objectionable—clocks and watches. It was proposed that where they exceeded a certain value, the duty should be different. Now, that was an *ad valorem* duty over again. Now, one of the most experienced officers examined before the Committee stated that, in his opinion, there should be a fixed duty of 10*s.* on gold watches, and 5*s.* on silver watches, without distinction as to value. With regard to seizures and stoppages, he understood that parties would be allowed to proceed in the County Court where the amount of duty and penalties did not exceed 100*l.* Now that would render the concession almost wholly nugatory; for there was hardly a case in which the duty and penalty together did not exceed that sum; and he would suggest that in all cases a cheaper tribunal should be resorted to where that amount of duty was involved, without reference to penalty. He trusted that the landing surveyors would have the power of deciding a great many cases on the spot. In the course of one year not less than 10,000 applications had been made to the Board of Customs, and this could not fail to involve a great loss of time. With respect to the transit system, he trusted that in the case of spirits full latitude would be given, because it had been proved that the restriction in the size of the packages was injurious to the transit trade. He thought the hon. Gentleman mistaken with reference to fines, and cases would be brought before him showing that owners of vessels had been fined where there had been no imputation upon them either of neglect or connivance. He now came to the bonding system, and on that point he did not agree with the proposal of the hon. Gentleman. He objected to its being made compulsory on each party transferring the goods to re-enter them. Such a course of proceeding would involve the trouble and expense of making a fresh entry, and of reweighing or remeasuring the goods. In London, in nine cases out of ten, the goods were sold at the landing weights, and he thought the plan proposed would be a great bar to the ready transfer. The plan suggested by the Committee was much more simple—namely, to make the warehouseman give a bond to the Government. That would effectually prevent the possibility of fraud. Now with regard to the hours of attendance. The hon. Gentleman had referred to the secretary of one of the dock companies, but it was not their interest to despatch goods with great rapidity, because they gained by goods remaining. He believed there was a break of half an hour every day, so that the merchant had not the full eight hours for the delivery of his goods. In suggesting that the hours should be from seven to five in summer, and from eight to four in winter, he might mention that twenty or thirty years ago, when despatch was not of so much consequence, the officers attended from six to six. He did not know whether the hon. Gentleman was aware of the serious tax levied on the mercantile community by the necessity of making entries of free goods. The average sum paid for each entry in London was 7*s.*, and as the entries in 1851 amounted to some 76,000, the charge was upwards of 25,000*l.* a year, while for practical or statistical purposes it was perfectly useless. The hon. Gentleman stated that smuggling might increase if importers were not bound to enter their goods; but he had not stated whether in any cases the Crown had ordered a prosecution of the parties. Among the cases of smuggling mentioned by the hon. Gentleman was that of Marchant, concerning whom he might state that his own opinion was very similar to that of the hon. Gentleman. But as regarded Mr. Travers, to whom the hon. Gentleman had alluded, he thought that there was a slight misconception. Mr. Travers did not say to Marchant, "You have been treated very shamefully." What he said was, "If what you say is true, then you have been treated very shamefully." But Mr. Travers did not identify himself with Marchant. He did not know any other point in the scheme of the hon. Gentleman to which he need allude; but before he sat down he must observe that the hon. Gentleman had left out of his Bill the first recommendation of the Committee, that the constitution of the Board of Customs should be changed. On that he wished to observe that he considered that the Board of Customs, as it now stood, did not possess the confidence of the public. He would have been very glad to have avoided this topic; but he did not see how he could, more especially when on a previous occasion, in reply to the hon. Member for Lambeth (Mr. W. Williams), the right hon. Gentleman the Chancellor of the Exchequer had said that he saw no objection to giving extended powers to such men as Sir Thomas Fremantle and Mr. John Wood. He, however, should most decidedly object. Surely the House did not forget that it was under the administration of Sir Thomas Fremantle that proceedings were commenced, totally unparalleled in this country—proceedings against two dock companies, possessing 5,000,000*l.* of capital, and representing the first merchants in London. Those proceedings were based on the hypothesis that these gentlemen deliberately robbed their customers; and it was not to be forgotten that ninety-four informations were brought against them, and that fifty-five of their servants were bribed by the Customs—an outrage on all the usages of society which he hoped would never again be perpetrated. It would be remembered, too, that ten of these informations were brought to trial in a manner calculated to prove most vexatious and troublesome to the dock companies, the Customs refusing till the very last moment to state which actions would be tried; refusing also, until compelled by a Judge, even to inform the dock companies what goods were included, thus compelling them to be prepared with evidence to all the ninety-four informations, and putting one of the dock companies to an expense of 12,000*l.*; then going into a Court of Law, getting a verdict on two boxes of sugar, and finally obtaining a penalty of 100*l.*, but leaving the whole matter of law where it was. It would also be in the recollection of the House, too, that eight individuals were taken up on a charge of smuggling, involving penalties of 90,000*l.*, one of them the chief officer of the dock company, all of them persons of the best character; that three others were arrested on a charge of felony for stealing molasses, and six more on another charge. Not only were these proceedings taken, but they were kept hanging over the heads of these people for fifteen months without their being brought to trial. They were never brought to trial at all. At the end of fifteen months the notices of action were simply withdrawn, directly the dock companies had been intimidated into compromising their civil actions. In speaking thus he spoke for the whole commercial world, and he said on their behalf that the Customs Board did not possess the confidence of the country; that no reform would be satisfactory as long as that Board remained constituted as at present. He must add that the adviser, and probably the instigator of these proceedings, was the solicitor to the Board, and that this solicitor, Mr. Hamel, was a few years before an obscure attorney at the inland town of Tamworth, where he could not possibly have acquired any knowledge of commercial affairs. Mr. Hamel was first appointed assistant solicitor; but three years after, by the compulsory retirement or superannuation of the solicitor, he was appointed. From that hour commenced these proceedings. Here was an ignorant and vain man, who, having said to himself, "I will distinguish myself; I will show by my conduct that I have the talents to justify my appointment," had, on receiving informations from officers who had a personal interest in laying them, induced the Board to take these unconstitutional and almost illegal proceedings. So long, then, as that gentleman remained solicitor to the Board of Customs, no mercantile firm was safe, no house of business secure. He was sorry to have to say this; but, after the tribute paid to "eminent officers," he could not sit down without stating that those whose sentiments he spoke could not acquiesce in the present Board. It remained to see what change in that Board the Government would make. None, certainly, could be for the worse. For his part, he thought they required mercantile men at the Board, one gentleman at least who had experience of mercantile pursuits. For the present Chairman of the Board, personally, he had the greatest respect; but, speaking in a public capacity, he could not avoid making the remarks he had made.

MR. TURNER said, he rose merely for the purpose of thanking the hon. Gentleman (Mr. Wilson) for the great boon he had conferred on the people and trade of Liverpool in giving them, what they had long asked for, power to decide in those very numerous cases which had hitherto been referred to London with very great delay, and to the serious injury of the merchant. He did not intend to enter into any details, but could not allow the discussion to pass over without thanking the hon. Gentleman for this, and also for allowing them to decide questions up to 100*l.* in their County Court, which was presided over by a Judge in whom all there had the greatest confidence, and whom they would be glad to see deciding, not only in cases of 100*l.* but also in cases of much greater amount.

MR. W. WILLIAMS said, he quite agreed that, however good the regulations might be, they never would be carried out satisfactorily until the Board of Customs was thoroughly changed. Above all things, he hoped that the Government would insist that one member of the Board should be a Member of that House. It would be recollected how beneficial this had been in the case of the Poor Law Commission; that as soon as it had a Member of the Commission in that House, they never had any complaint, or ground of complaint, brought before them. With the statement, on the whole, however, he was very much gratified.

MR. G. A. HAMILTON said, he felt bound to express his satisfaction at the measure introduced by the hon. Gentleman opposite. The subject had been under the consideration of the late Government; and he knew that many of the suggestions of the hon. Gentleman, which had been entertained by them, were calculated to facilitate business, and to produce the greatest benefit to the trading community. With reference to the complaints of Mr. Marchant, he was at the Treasury at the time they were originally made, and, having given the subject full consideration, he must say it had appeared to him to be about as atrocious a case of smuggling as had ever existed; and he was surprised that it had imposed upon the respectable gentlemen who appeared to have taken it up. Upon the subject of the admission of free goods, great care had to be taken lest in facilitating the operations of trade, the Board of Customs encouraged smuggling, to the detriment of the revenue, and the injury of the fair trader. With reference to the Commissioners of Customs, he was sure that every one who had to do with them, and especially with Sir Thomas Fremantle, must bear testimony to the great intelligence and the great energy of that most estimable public officer, and the great zeal which he displayed on every occasion to facilitate the operations of trade as far as was consistent with a due regard to the public revenue.

Mr. WHALLEY said, he complained that no drawbacks were allowed to yachtsmen for wines, spirits, and things of that sort, which they wished to take out of the country, the consequence of which was, that they went abroad to buy those articles, and that to that extent the trade of this country was a loser. He should be glad to find that some portion of the zeal and ability which the hon. Gentleman had devoted to the subject generally, would be paid to this small matter. With reference to the charges which had been brought against the dock companies, he thought that whatever there was to be regretted in that transaction, arose from the nature of the service, and was not owing to the gentlemen who administered the Customs department.

Mr. JOHN MACGREGOR said, he thought that when it was considered that 22,000,000*l*. of the revenue of this country was derived from articles of import, and that the collection of this large amount was intrusted to men who were very poorly paid for the services they performed, it was a matter of astonishment, considering the temptations which prevailed, that there was not more dishonesty and fraud. In France, Prussia, Holland, and the United States, simplicity was the chief characteristic of the fiscal regulations; and his own view with regard to the management of the Customs department in this country was, that we ought to adopt something like the system which existed there, and have one chief head or director, with a deputy under him, dividing the whole management of the Customs into different sections—one for foreign, another for home trade and navigation, a warehouse and dock department, and one for keeping the accounts. On the part of his constituents, and he might say of the commercial community generally, he begged to offer his thanks to the hon. Gentleman for the proposals he had made this evening to facilitate the trade of the country.

The CHANCELLOR of the EXCHEQUER: It is in no respect necessary, Sir, for me to enter on a discussion of the numerous points of detail, very important though they are, which have been included in the statement of my hon. Friend (Mr. Wilson). There are some of them in respect of which it would be much better that hon. Gentlemen should read the Minute of the Treasury before they express an opinion with regard to them. But I wish to say something with regard to a topic which has been revived in this discussion—revived, I must say, somewhat to my regret. I do not think there is any advantage to be gained from resuscitating the feelings which were connected with the controversy between the Board of Customs and the Dock Companies. I think we have fairly passed that by, and the recollection of it will, I trust, recur to none except as an inducement to caution in the future. But I must say that I very much regret that the hon. Member for Bridport (Mr. Mitchell) should have taken this opportunity to have dealt so freely in censure upon the persons engaged in these proceedings. The hon. Member had an opportunity of bringing out all the proceedings before the Committee which entertained the matter; that Committee declined to entertain those views of the matter which the hon. Gentleman has now thought fit to lay before the House. The hon. Member for Bridport thinks that what fell from my hon. Friend (Mr. Wilson) to-night, and what fell from me on a former occasion, has been the expression of an opinion that greatly extended powers might be given to the Board of Customs. In the first place, I never mentioned the Board of Customs at all; and, in the second, though I did refer in terms of condemnation to Sir Thomas Fremantle, I did not recommend giving extended powers to him. I was speaking of bringing the accounts of the Board under the supervision of this House, and what I said was that I believed the heads of the Board were possessed of a spirit of economy, and that bringing the accounts before this House would, perhaps, strengthen their hands in enforcing that economy. But I never said anything that could be intepreted to imply any such meaning as that which seems to have suggested itself to the hon. Gentleman. The hon. Gentleman also complains of the omission from the statement of my hon. Friend of what relates to the constitution of the Board of Customs. I quite agree with him in the view he takes of the importance of that subject. The constitution of the governing authority is of vital importance to the administration of the entire system; but the hon. Member for Bridport is very greatly mistaken if he supposes that that subject has been overlooked. The fact that there have been two vacancies in the Board since our accession to office, and that neither of them have been filled up, is a pretty clear proof that we are giving this point our consideration. But it is not a point to be decided in a departmental way, nor one to be decided in a day, though the hon. Gentleman seems to have very clear and decisive views upon it. He seems to think the fault of which he complains lies in the individuals who now compose the Board. Now, I am of a contrary opinion. I do not think that by changing the individuals you would have any very great hope of materially improving the system. I do not think the individuals composing the Board are to blame. But the questions whether men of mercantile experience should be members of the Board—whether the Board is to have any of its members sitting in Parliament, and how, if one does, his relations to the Chairman of the Board, who may not sit in Parliament, are to be maintained—and the further question, the very important one, raised by the hon. Member for Glasgow (Mr. John Macgregor) whether there should be a Board at all, or whether you ought to concentrate the authority in the hands of a chief and deputies, and let him work through secretaries—these are most important questions, which, in my judgment (and I frankly own myself the person responsible for not submitting a distinct plan to Parliament at once), are deserving of the mature consideration of the entire Government. I think it better that we should postpone them till the pressure of the heavy business now occupying the attention of the Government is over, as then we shall be able to give them our most careful and deliberate attention, with the view of adopting that system which shall most contribute to the security of the revenue and the facility of the trade of the country. I beg the hon. Gentleman to believe that this question has not been neglected, and that if it has been postponed it has been so because, being fully persuaded of its importance, we were desirous of giving it all the consideration which it deserves.

Mr. W. BROWN said, he was glad to hear what the right hon. Chancellor of the Exchequer had said about the constitution of the Board which managed the Customs. He, for his part, should like to see one individual responsible for the good management of the Customs, and should be satisfied if they gave him one so intelligent, or who lent his mind to the subject so successfully as the right hon. Gentleman. Much, of course, depended on how the details were carried out, but, looking at the scheme as it stood, he might certainly say that his constituents would be exceedingly gratified with what the hon. Gentleman (Mr. Wilson) had propounded.

Mr. J. A. SMITH begged to thank the hon. Gentleman the Secretary to the Treasury for the great boon which he had conferred upon the commerce of England by this revision of the Customs regulations. He knew enough of these details, of their difficulty and intricacy, to be able to estimate properly the zeal and the labour which the hon. Gentleman must have bestowed in mastering them, as he showed he had done that evening. Some weeks ago he had been a member of a most remarkable deputation which waited on the Chancellor of the Exchequer to bring this subject under his notice, and the right hon. Gentleman had most nobly redeemed the hopes he had held out to that deputation. With reference to the constitution of the Board of Customs, and the remarks which had been made on that subject by the hon. Member for Bridport (Mr. Mitchell), he believed that hon. Gentleman had only expressed the opinions of a very large majority of the commercial community of London. They had felt most deeply upon this subject, and he did not believe the hon. Member had uttered one word which would not be adopted by them.

Mr. HENLEY said, that the statement of the hon. Gentleman the Secretary to the Treasury had, to a very great extent, fulfilled the wishes of the Committee that sat on this very important and very complex subject. The Custom laws being framed to prevent fraud, and it being very difficult among our vast commercial transactions to distinguish always where irregularity ended and fraud began, it was almost inevitable that parties of respectability should sometimes become subjects of suspicion. The hon. Gentleman had said a good deal about the advantage of local tribunals. He thought it would be a vast advantage, and contribute very much to the satisfaction of the commercial world, if the parties were heard before the Commissioner who gave the decision, instead of a report merely being sent to the Commissioners, on which they sent back their decision. There was one part of the hon. Gentleman's speech which he (Mr. Henley) had heard with great satisfaction, and that was his intention of referring disputes connected with the Customs to the County Courts; but he thought it required great consideration how far it would be wise or fair to send such cases before magistrates, who did not sit in courts of record, and who would be liable to actions arising out of their decisions. It might be said that the Crown would protect magistrates, but such a system would be open to very serious objection. He hoped that the Government would give greater facilities to the bonding system than seemed to be at present contemplated by the hon. Gentleman, and he thought it worthy of consideration, whether the Crown would not have sufficient security for the duties in the bond to be given by the warehousekeepers, and by its lien on the goods themselves. He certainly regretted to hear that increased facilities were not to be given to the coasting trade, which was at present engaged in a severe competition with railways.

Mr. DIGBY SEYMOUR said, he thought that it would have been much better if the disputes between the Customs and the dock companies had not been introduced into the subject now before the House. He regretted that any hon. Member should have gone out of his way to pass a censure upon the gentleman who held the office of Solicitor of the Customs. He could bear testimony to the private respectability of that gentleman, and the great amount of ability and information which he possessed. He had been spoken of as an obscure country attorney; but it was the first time he had heard that the obscurity of a man at any period of his life should be a bar to the possession of important offices. Mr. Hamel was chosen to the office he held by the late Sir Robert Peel—whose solicitor he was—as the man best adapted for the service. It seemed hard that a meritorious public servant should be selected to bear the brunt of the observations of the hon. Member for Bridport, who had had a full opportunity of examining Mr. Hamel before the Committee.

Mr. Alderman THOMPSON said, that having sat on the Customs Committeee, and taken great interest in the subject, he begged to be allowed to say a few words. He congratulated the House and the country on the change that was about to take place, for he had looked with great dissatisfaction, during the last thirty years, at the way in which the Customs department of the country had been administered. During that period the House had been frequently engaged in giving increased facilities to trade and commerce; but, as regarded the Board of Customs, matters appeared to have retrograded, and they were now actually more obstructive and stringent in their regulations than during the period of the war. He hoped he was mistaken in supposing that it was the intention of the Government that these Customs cases, such as the detention of goods, the seizure of vessels, &c., were to be heard in public, but that the Commissioners were to give their answers in private, and without any reasons being given. He was satisfied that such a course would be quite unsatisfactory. The proper way to put down smuggling was to hear every case in open court, and pronounce a public judgment upon it; let the party be brought forward, and his offence made known publicly, and let there be no secret tribunals. Let all be done openly and publicly as before a Judge or a magistrate, instead of having the matter decided secretly and privately. He did not agree with the right hon. Gentleman the Chancellor of the Exchequer that the laws had bnee as well administered by the present Board of Commissioners as they would be by any others. [The Chancellor of the Exchequer was understood to dissent.] He was glad to find that he had misunderstood the right hon. Gentleman, because he believed the selection that had been made was injudicious, and he was glad to hear that it was the intention of the Government to take the subject into their consideration. With regard to what had been said respecting the Solicitor of the Board of Customs, he must observe that, while he admitted the great talents of Mr. Hamel, he did not think he had discharged his duty as efficiently as he might have done as regarded the public interests. Any hon. Gentleman who referred to the Report of the Customs Committee would find there the opinion that was entertained of that gentleman, and he would have received the severest censure that the Committee could have passed, but was saved from it by the vote of a single individual. He should like to see the whole of the Customs receipts paid at once into the Exchequer, and the salaries of the officers paid afterwards. He should like also to see quarterly returns of the expenditure, and the purposes for which the money had been laid out, and if that had been done, they would not have found the Solicitor to the Customs filing 127 *ex-officio* informations in the Court of Exchequer against two parties, the result of which evidently must be to inflict the most serious injury upon those individuals. He gave his general approval of the measures which had been proposed.

Mr. GOULBURN said, he hoped that before hon. Gentlemen formed any opinion respecting the person whose conduct had been impugned that evening, they would be good enough to read the evidence taken before the Committee, in which they would find that every possible variety of opinion had been expressed on the subject. He thought that disputes of this nature, when once settled, had better not be reopened; but if this matter were to be raised again, he (Mr. Goulburn) must say that he had arrived at a different opinion from that which had been expressed by the hon. Member who had last addressed the House. He could not refrain from bearing testimony to the great ability with which the Secretary of the Treasury had developed the views of the Government on the subject of the Customs; and he trusted that none of the changes which were proposed, would interfere with the due collection of the revenue.

Mr. M. FORSTER said, he was highly gratified with the statement which had been made on the part of the Government. Reference had been made to Mr. Hamel, and he must say that that individual left a very bad impression on his mind, and he believed on the minds of all the Committee. The hon. Member for Sunderland (Mr. Seymour), however, seemed to have a brotherly feeling for one of his own profession.

Mr. DIGBY SEYMOUR said, he wished to explain that in what he had said he was only influenced by a sense of duty. He might state the fact, also, that Mr. Hamel was paid by salary, and not by fees.

Mr. J. WILSON said, that it was not intended that Customs cases should be brought before magistrates for decision, excepting in places where there were no County Courts.

The Papers were then ordered to be *printed.*

PILOTAGE BILL.

Order for Committee read.

Mr. CARDWELL, in moving that the House resolve itself into Committee on this Bill, presented a petition from merchants and shipowners of Liverpool approving of certain provisions in the Bill, and also a petition from masters of Liverpool vessels engaged in the coasting trade in favour of the Bill.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. TURNER said, he considered that this was a measure which demanded a very strict examination in consequence of the important interests which it affected. The interests at stake, both as regarded the persons immediately connected, in one way and another, with pilotage, and as regarded the lives and property of the public, were so vast, and the question itself was so complicated, that a Select Committee could alone properly investigate the subject. The Pilot Boards of this country were numerous, many of them of ancient date, and performed their duties in a manner highly creditable to themselves and beneficial to the country. But the right hon. Gentleman (Mr. Cardwell) proposed by this Bill to take power to cashier them all whenever he thought proper. By the tenth clause of the Bill, power was given to the Board of Trade to license masters and mates of vessels as Pilots—a provision which would place the local boards completely at the mercy of the Board of Trade. He (Mr. Turner) had presented petitions from the merchants, shipowners, and underwriters of Liverpool, against the Bill, and he undertook to say that a large majority of the mercantile men in that port were opposed to granting the powers which the President of the Board of Trade now sought to acquire. The Shipowners' Association of Liverpool had by memorial pointed out how dangerous it would be to permit licences to pilot vessels to issue from any other authority but that of a local board, acquainted with the perils of the port, and with the requirements of its commerce, and whose sole interest would be that the Pilot service should be conducted in the most efficient manner, and with the greatest economy consistent with its efficiency. He would admit that some difference of opinion existed on this point, as must inevitably be the case in a mass of 400,000 persons, but a very considerable majority were strongly in favour of a local board. He would not attempt to deny that the masters and mates of coasting steam vessels were very skilful, and in most weathers were good pilots; but the House would perhaps learn with surprise that though they wished to be freed from pilotage in fine weather, they were unwilling to forego the privilege conferred upon them by the Act, of using the services of pilots in bad weather—in fact, they wished to have a pilotage of their own in good weather, and yet in bad weather to command the service which was kept up by sea-going vessels in fine weather. It was said that the charge on steam vessels was too heavy. He thought it was; but the Pilot Board at Liverpool had agreed to reduce their charge on coasting steam vessels to an amount so small that he might call it merely a retaining fee; and at the instance of the Shipowners' Association had also agreed to adopt a lower scale of pilotage on all steam vessels, and on all vessels towed by steam. Now, this was a subject which, in his opinion, was a fit one for investigation, and the House would observe that he merely asked them, in a case where important interests were involved, before it was legislated upon, to refer the subject to a Select Committee. He might, at the same time, remind the House, with the view of demonstrating the magnitude of the matter on which they were called upon to legislate, that last year the exports at Liverpool were 32,000,000*l.*, while at London, for the same year, they were only 16,000,000*l.* The House must not suppose that the Pilot Board of Liverpool was a board composed of pilots; it was constituted of the leading merchants and gentlemen of the port. The commissioners were 120 in number, forty-one being elected by the town council, and seventy-nine the successors of those who were originally appointed to the board. This part of the constitution of the board was objected to; and the question whether or not it should be remodelled was surely one for inquiry by a Select Committee of that House. The commissioners out of their body appoint a committee of 13, who have the power to grant licences, and to make such regulations as would render the service efficient. Those regulations were very stringent. For instance, no pilot could plead bad weather as an excuse for not going out, nor could he demand salvage. Under the regulations, twelve boats, which cost 2,000*l.* each, were maintained, and there were 279 pilots, who the House would scarcely say were overpaid when they heard that the emoluments only averaged 175*l.* a year. He might also inform the House that 117 pensioners, being superannuated pilots, and the widows and orphans of pilots, were maintained; and to this he would add that they were not allowed to act as full pilots until they had served an apprenticeship of seven years. This was a precaution to ensure the efficiency of the service. He thought that of all classes of men underwriters were best qualified to give an opinion on this subject. He held in his hand a petition from that body, in which they stated that they viewed with fear the Bill which had been introduced, as they regarded the measure as one most injurious to the shipping interest of the port of Liverpool. They considered it would be most dangerous to grant the certificates contemplated by the Bill, as the shifting sandbanks at the mouth of the Mersey rendered navigation most difficult, except to those not only well acquainted with the channels, but constantly occupied in navigating them, as the most skilful pilot, after a very short absence, would become wholly unfit to exercise his calling; and as a testimony to the efficiency of the existing service, they adduced the fact that, out of 38,873 vessels which had passed in and out of Liverpool, during the year 1852, only three had been lost, and these had no pilots on board. He was not aware whether the right hon. Gentleman proposed to exercise himself the powers granted by the Bill, or to transfer them to the Trinity Board; but he contended that a better board than the existing one, composed of 120 leading merchants and gentlemen of Liverpool, could not possibly exist; and certainly the centralisation of power sought by the Board of Trade appeared to him a most extraordinary proceeding, unless very good grounds could be shown for it. It was always the policy of that House and of the country not to withdraw without good reason the powers exercised by local bodies, to place them in the hands of the Government. He confessed he had heard no reasons to justify such a course. The only complaint was on the subject of the charges; but they were willing that this point should be decided by the Board of Trade. He hoped the right hon. Gentleman would agree to his Motion for a Select Committee; and if not, on behalf of the port of Liverpool, and as a matter of simple justice, he must ask the House not to allow local boards to be arbitrarily deprived of powers which they had exercised for so many years with the greatest advantage to the community, not only without inquiry, but against the opinion of nearly every merchant and nautical man acquainted with the subject; and he trusted that the House would grant a hearing to the merchants, shipowners, underwriters, and commanders of vessels at Liverpool and other places interested in this most important subject before they allowed this despotic measure to pass into a law.

Sir EDWARD DERING said, he seconded the Amendment with much pleasure, and he could not but hope that the right hon. President of the Board of Trade would feel it to be his duty to accede to the reasonable request of referring this Bill to a Select Committee, for if ever there was a Bill which demanded a strict investigation as affecting the great maritime interests of the country, as well as the vested interests of individuals, it was this. The hon. Mover of the Amendment had detailed the probable effects of the Bill on the Liverpool pilots. He (Sir E. Dering) would follow the hon. Gentleman's example by alluding to the interests of those with whom he was more particularly connected—he meant the pilots of the Cinque Ports. The Report of the Commissioners on Pilotage in 1846 ought to have the greatest possible weight with the House. That was the last Commission which had sat on the question; its authority was the best to which they could refer; and if the Bill were sent to a Select Committee, he had no doubt that the same reasons which influenced the Commissioners in 1846 would have an equal influence on the Committee, and that they would declare the alterations proposed by the Bill to be most prejudicial to the interests of all parties concerned. He believed there would be little difficulty in showing the very undue advantages that were given by it to the Trinity House pilots over the Cinque Ports pilots. It was perfectly true that permission was accorded to both bodies of pilots to pilot inward and outward—a privilege which they did not now possess; and if the pilots were to be placed in all respects on a footing of perfect equality, so that every pilot might have his fair share of the pilotage—though even then he thought that, practically, the change of system would be productive of great inconvenience, no objection could arise on the score of partiality. It was proposed by the Bill to continue the same system as in London—namely, to allow every shipowner to choose his own pilot, and thus to perpetuate a system fraught with bribery and jobbing, while the provision as regarded the rotatory system was to remain in full force in the Cinque Ports. Hon. Gentlemen were aware that, by the rotatory system, it was necessary for a party to undergo a seven years' apprenticeship, at the expiration of which he was declared qualified to take in ships of any draught, so that the youngest pilot, when placed on the rota, might take in a man-of-war, or other large vessel, as well as the oldest. The system was different from that pursued in London, and if it were not, a pilot must either adopt a discreditable mode of obtaining employment, or must forfeit all fair share of the outward pilotage. The undue advantage obtained by the Trinity-house pilot would be acquired thus. He would take his ship down the river to the Downs, and would then have a claim to be put on the rota of service, to share the inward pilotage with the Cinque Port pilots, who by the rules of the Trinity House were not allowed to compete with him for the pilotage of outward-bound ships. The next point to which he would refer was the cruising system, and the mode by which homeward-bound ships were supplied with pilots. The Cinque Port pilots had to cruise night and day in order to meet with the homeward-bound ships. They subscribed for the purchase of boats suited to this arduous service, and they were entitled, by the Act, to a certain sum for every pilot put on board a vessel. He found in the Bill now under discussion no provision for this cruising service; and there would be great practical difficulty on this point, as the boats were private property. The efficiency of the service could be demonstrated by the fact, that during the last twenty years, out of the 60,000 vessels navigated by the Cinque Port pilots up the river, only one had been lost by misconduct. He hoped, therefore, the House would pause before they consented to break up a system which had worked well, and interfered with vested interests, sanctioned by the guarantee of an Act of Parliament. And now as regarded the manner of raising funds. Each pilot paid *5s.* on each voyage to a fund from which on his death his widow became entitled to a pension of twelve guineas. Moreover, on the death of every pilot *1l.* was paid, thus making a kind of insurance. The payments were compulsory, and in the aggregate those men had paid nearly *10,000l.* Again, there was an extra rate which pilots were entitled to levy on ships which had not the British register, and which formed a sort of superannuation fund. Now, he would ask, were all these funds without distinction to be placed under the control of the Trinity Board? He thought it unwise to give such powers to any body; and, although he made no charge against the Trinity Board, it was difficult to reconcile many of their present regulations with the principles of common justice, or, he would almost say, of common sense. As an illustration of that, he would mention these facts:—If he took a vessel from the port of London to Plymouth, he might navigate it with his own sailing master and crew, without a pilot; but, if he went to the coast of France, then his sailing master was declared incompetent, although he had to navigate his ship over precisely the same waters, and he must take on board a pilot. Nothing could be more ludicrous than such an arrangement; it would appear that the destination of the ship was the test by which the capacity of the master to navigate it was judged. Another regulation would not allow a vessel to go out from this country, even in ballast, to Hamburg, without a pilot; but on the other hand, if the vessel were bound to a Baltic port, with a valuable cargo on board, he was perfectly at liberty to navigate the river, take the North Channel, discharge the cargo at St. Petersburgh, and come home full of hemp and tallow, without the aid of any pilot at all. It was a question whether these regulations showed that amount of wisdom and sagacity which would induce the House to confer great powers upon the Board. If it should be thought desirable by the House to place all these various bodies of pilots under the control of one uniform body, it was only just that every precaution should be taken that the governing body should exercise its powers with the greatest impartiality. For this reason he was anxious that the Bill should be referred to a Select Committee.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words "the Bill be committed to a Select Committee,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

COLONEL HARCOURT said, he cordially concurred in the Amendment. The pilots of the Isle of Wight, who stood in an altogether different position from the Cinque Port or the Thames pilots, considered that they were labouring under serious grievances in consequence of the regulations of the Trinity Board, and he thought that for the redress of the grievances complained of, the appointment of a Select Committee of this House was the most advisable step that could be taken. In 1844 the Southampton authorities claimed the exclusive privilege of piloting the course of their river; but they not only did that, but having some influence, he supposed, with the Trinity Board, they also requested to have the power of piloting vessels out to sea. Now, he should have had no objection to that, if in return they had granted to the Isle of Wight pilots the power of carrying the ships they were put in charge of at sea up to Southampton; but they did no such thing; and the result of the arrangement then made was, that, supposing a vessel which had come to Southampton from a foreign port to return to that foreign port, the Cowes pilot would receive only *3l.*, where the Southampton pilot would get as much as *6l. 12s.* No danger was incurred by the Southampton pilots. They fell in with the ship in smooth water; they navigated her in smooth water; and sometimes they were able to perform the service in a mere wherry. The Cowes pilots, on the other hand, were obliged, by the regulations of the Trinity Board, to maintain a vessel of much larger dimensions, requiring more men to manage it (of course, entailing greater expenses on the pilots), and to brave the roughest weather at all times in the open sea; regulations which might have been good in 1844 might be very bad in 1853. The next grievance of which his constituents complained was, that, by a recent regulation, they could not get what was called "distance money," unless they entered into an arrangement with the captain at the time. Now, the pilots had no means of making an arrangement of this kind with the captain at the time, because they only required their services for long distances in foul and bad weather when the pilot boat could not remain alongside the vessel for any time without incurring the danger of being dashed to pieces. Another grievance they had to complain of was, that the great shipping owners, like Mr. Green, Mr. Wigram, and others, selected their own pilots, instead of taking the first who hailed them. Again, if two pilots made between them in the year 160*l.* or 170*l.* they were charged with income tax on the aggregate sum. This was an injustice which he hoped the Chancellor of the Exchequer would remedy. He could have stated several other complaints of the same kind, if he had not been unwilling to occupy the attention of the House longer at that late hour; but he hoped he had said enough to induce the House to grant a Select Committee.

Lord ALFRED PAGET said, that in case of grievance the pilots of the Isle of Wight could have redress from the Board of Trade if the present Bill passed. The hon. Member for Berwick (Mr. Forster) had expressed an opinion that the Pilotage Bill would not be of any benefit to the shipowners. He begged to state that an important document had been forwarded to him from a large body of shipowners in the port of London, representing 350,000 tons of shipping. The document had appended to it the names, among others, of Mr. Green, Mr. Phillips, Mr. Ingram, and Mr. Lindsay, and set forth that the undersigned British shipowners were of opinion that the proposed Pilotage Bill would be of great benefit to the shipping interest, especially as related to the system of the Cinque Ports pilotage, as it would open a competition among the pilots, and, by their having cruising licences, would encourage them to seek ships off Dungeness before the danger commenced, in lieu of awaiting their arrival within that point, which had hitherto been almost invariably the case, thereby jeopardising the safety of many of the valuably freighted inward-bound ships, their supineness having originated from the monopoly they had up to the present period enjoyed. He certainly thought that the Bill would be considered a great boon by the shipping interest.

Mr. GEORGE said, he cordially approved of the Bill, which he believed would be of great advantage to the steam vessels plying between Liverpool and the ports of Ireland. He thought a most beneficial power would be given by this Bill to the Board of Trade, and also to the local authorities, to limit every act in relation to pilots, and to fix their fees. The local boards of Liverpool had full authority to grant pilotage licences to the mates and captains of vessels; but they had never done so, although the local boards of Glasgow and other ports had done this. He therefore rejoiced that by this Bill a power was given to the Board of Trade to compel them to give licences, if they continued to refuse. In case of any injustice, also, a valuable power of appeal was provided by the Bill. He would take the liberty of pointing out to the House, that at the time the 5th of Geo. IV. was passed, there was not probably one steamer plying between Dublin and Liverpool; in the interval that had elapsed since then, whole fleets of steamers from the various ports of Ireland—from Dublin, Drogheda, Dundalk, Cork, Belfast, Newry, and Derry, were continually plying to Liverpool, and repeated applications had been made in vain to the Liverpool authorities for some modification of their pilot regulations. He would just mention a few facts, which would, perhaps, rather surprise the House. He alluded to the case of the City of Dublin Steam Packet Company. In three years the vessels of that company made 2,736 voyages between Dublin and Liverpool. In the whole of that period pilots were furnished 245 times by the local board of Liverpool, the fees paid on those occasions amounting to 4,500*l.* or 1,500*l.* a year. He would remind the House also of the utter worthlessness of pilots to steamers under such circumstances. Those steamers were out at all periods of the year, by night as well as by day, and in all weathers; and their captains, who had been in the service for years, knew every cranny and crevice of the port of Liverpool far better than any pilots, who entered the port but seldom; and the local authorities of Liverpool would have acted with a better grace if they had conceded the just demands made upon them. He hoped the Government would not grant the Select Committee.

Mr. HILDYARD said, his constituents felt strongly the necessity of legislation on the pilot laws. They had over and over again applied to be licensed, and to be excused from calling upon the Liverpool pilots. They were perfectly ready to pilot their own vessels in all weathers, and very frequently they had to pilot their own vessels in bad weather.

Mr. LABOUCHERE said, he considered that the details of the Bill would be much better discussed in Committee; but believing the Bill to be a most important one, he could not help asking to address a very few words to the House. The complication of the pilot laws, involved as the system was under local jurisdiction, and defended as they were in that House by Members who represented shipping localities, was one of the most difficult questions which any Government had to grapple with for many years. He was old enough to remember the time when his friend the late Lord Sydenham endeavoured to grapple with it; but his attempt was defeated by the opposition of the local representatives of the ports, while, if Lord Sydenham had succeeded, many hundreds of thousands of pounds would have been saved. He hoped a better spirit would animate the House now, and that they would not allow those local interests to defeat a measure which was due to the great shipping interest and to the country at large, and that they would not allow any obstruction to be the means of frustrating a measure which deserved the highest consideration. He had heard from both sides of the House expressions of an earnest desire to benefit the shipping interest; nothing could effect that better than to substitute a simple, uniform, economical, fair, and impartial system, instead of the present complicated system. He thought the House could not confer a more important boon than that on the shipping interest. He believed this measure would place the pilotage of vessels on a vastly improved footing; but he thought if all the minute details of the measure were to be sent before a Select Committee, instead of the question being settled in the present Session, it would be put off till the Greek Kalends. He had heard, with great pleasure, the speech of the hon. Gentleman the Member for the county of Wexford (Mr. George). He thought the steam packets which plied between England and Ireland had the greatest right to complain of the present pilotage system; and he hoped the House would not support any Motion which would have the effect of obstructing the fair consideration of the measure then before them.

Viscount CHELSEA said, he would support the Motion for a Select Committee, as he thought that much consideration was required as to the provisions in the Bill affecting the power of the Trinity House and the Cinque Ports. The provisions of the 9th Clause were of such a nature, that it would be necessary to refer the Bill to a Select Committee to consider them. It was proposed by that clause to deal with the funds of the Cinque Ports, and to hand them over to the Trinity House; but this was a subject which ought rather to be referred to an actuary than disposed of in a Committee of that House. The proposition of the Government appeared to him to substitute a much worse system than the one which now prevailed. He saw no reason why the Bill should be pressed on the House at this early period of the Session, and should therefore support the Amendment.

Mr. CARDWELL said, after the discussion which the Bill had undergone from Members on both sides, he should not, at that hour, occupy more than a few minutes of their time. He should defer the observations he wished to make until they had a Committee of the whole House; but he wished to make one observation, with the view of bringing the sincerity of those who supported the Motion for a Select Committee to the test on this subject. They had passed the second reading of the Bill without a division; and he would ask them, did they or did they not intend that the shipowners should have the benefit of the reforms which it contemplated? The House might remember that a similar Motion was made, to refer to a Select Committee the Bill for the promotion of the public health. That Bill accordingly went before a Select Committee, and there was an end of it. If they were to have a Select Committee on this Bill upstairs, for the purpose of calling witnesses on all the subjects which had been mooted by hon. Members who had supported the Motion for a Select Committee, he should like to know when the Bill would be likely again to make its appearance in that House? The noble Lord opposite (Viscount Chelsea) had spoken on behalf of the Cinque Ports pilots. All he (Mr. Cardwell) would say was, that that was a subject which had engaged, and should continue to engage, the careful attention of the Government, and he should be ready when, in a Committee of the whole House, they got to the clause in the Bill which affected the interests of those men, either to vindicate that clause or to modify it if it should be the wish of the Committee, for it was his desire that the tenderest measure of justice should be dealt out to all parties concerned. But he would not submit to have the great principles of this measure sacrificed. At present there were certain bodies in the country who levied compulsory taxes on a great number of the subjects of the realm, under various Acts of Parliament, but who were not subject to the jurisdiction and control of Parliament; and it was one of the objects of this Bill to provide that the accounts, bylaws, and regulations of those corporations should now, for the first time, be laid annually on the table of that House. The Bill also made a person in the Queen's service responsible to Parliament for all measures connected with the compulsory taxation of the subject. In the event of the measure passing into a law, in future years full information on all these subjects would be brought under the notice of the House of Commons; hon. Members would have a right to call on the person who held the office in which he (Mr. Cardwell) was now placed, for all necessary explanations; and if at any time the shipping interest had not a full measure of justice done them, they would have a right to appeal to Parliament; and Parliament, having then all the requisite information before them, would be in a position to take such a complaint into consideration. He repeated, that the principle of this Bill was, that there should no longer be bodies who, levying compulsory taxes on any part of the subjects of this realm, rendered no account to Parliament and the country; and he asked the House now to give effect to their decision on the second reading by rejecting the Amendment of the hon. Member for Liverpool.

Mr. HENLEY said, with respect to the remark of the right hon. Gentleman (Mr. Cardwell) that no means were taken to oppose the second reading of the Bill, no objection that he (Mr. Henley) was aware of was taken by any party in the House to the principle of the measure. What he contended was, that the first nine clauses of the Bill had nothing on earth to do with the remainder, which the right hon. Gentleman rightly called the principle of the Bill. Those first nine clauses related to an entirely separate and distinct subject; they swept away a large and ancient corporation and joined it to others, and that without affording any due protection to the interests of the body which was swept away. He should like to know whether they were more likely to delay this Bill by discussing those financial questions over the table of the House for days perhaps, than by considering them quietly in a Select Committee upstairs? The right hon. Gentleman said the Public Health Bill was buried by being sent to a Select Committee. He (Mr. Henley) hoped that would not be the fate of this Bill; yet he could not conceive any course more likely to thwart its progress than by discussing it in a Committee of the whole House. He would not throw overboard the interests of persons who were very unjustly treated by this Bill, without any means to protect themselves. These parties had been contributing years and years to a particular fund, and no sufficient provision was made to secure the advantages which they had a right to expect. He was unable to find in the Bill the least provision to secure that pilotage of the Channel upon which the hon. Member for Lichfield (Lord A. Paget) insisted. So far from wishing to throw any impediment, he was as desirous to see a good Bill on the subject as any Member of that House, and, whether in the House or in Committee, he would do his best to pass it. He believed there was great difficulty in discussing the clauses of the Bill over the table, and greater difficulty in satisfying parties interested by charter that they were justly dealt with. They were all disposed to give the shipping interest the advantage of the best pilotage at the cheapest rate; but the shipping interest would not wish that to be done at the expense of anybody without having their claims fairly represented and discussed. That was impossible to be effected over the table of the House. There was no provision in the Bill whatever for it, and he should be very sorry to see the Bill go out in the unjust shape in which it now stood.

Question put. The House *divided*:—Ayes 219; Noes 83: Majority 136.

Main Question put, and *agreed to*.

Bill *considered* in Committee.

House resumed.

Committee report progress.

HACKNEY CARRIAGES (METROPOLIS).

MR. FITZROY moved for leave to bring in a Bill for the regulation of hackney carriages in the metropolis. There was no capital in Europe where hackney carriages were so entirely removed from all efficient control and supervision as in London. That state of things arose principally from the existing system of licensing those vehicles. There was no restriction upon the number of licences that were issued, nor did the fitness of the carriage for the purposes for which it was designed form any consideration in the decision whether the licence should issue or not. Certainly, some disqualifications did exist; for example, with respect to persons that had been convicted, also with respect to minors, and in cases where in consequence of arrears of duty there had been a revocation of the former licence; but these disqualifications were more nominal than real, and scarcely an instance occurred in which a licence was refused. The consequence of such a system was to crowd their stands with vehicles of an inferior description, and with horses which had been graphically described by the first living novelist as being kept on their legs by the rickety vehicles to which they are attached. The best way to secure to the inhabitants of the metropolis vehicles in a fit and proper condition for the public use was, to alter the system on which licences were issued; and he therefore proposed to insert in the Bill which he now asked to introduce a provision to the following effect:—That every person who is desirous to obtain a licence for using or letting to hire a hackney carriage within the limits of the metropolitan police district, shall make his application to the Commissioners of Police, who on such application shall cause an inspection to be made of the carriage for which he proposes to ask the licence, and on a certificate being granted by the Commissioners of Police, that that carriage is in a fit and proper condition for the public use, shall obtain at the Board of Inland Revenue a licence, on the production of such certificate. He also proposed that power should be given to the Commissioners of Police from time to time to have a fresh inspection of those carriages, and if they found them to be out of order the licence should be suspended; and a penalty should be attached to the hiring out of any vehicle of that description after due notice was given by the Commissioners of Police that such vehicle was not fit for public use. In addition to the unsatisfactory condition of those vehicles, the fare demanded for their use was excessively exorbitant. No change had been made in it since the introduction of those vehicles in 1831. Amid the general—he might say universal—tendency towards reduction in articles of general consumption, two things had hitherto successfully resisted the tendency. One was the pint of extraordinary compound still called by courtesy a bottle of wine at an inn, and the other the fare paid per mile for the use of a hack cab. It appeared to him that there was every reason to think that they had now arrived at the time for making a reduction in the fares to the extent at least of 25 per cent. He therefore proposed that the fare should be fixed at 6*d.* per mile; and the decrease in the price of forage alone was sufficient to justify him in asking the House to agree to that proposition. In the month of April in the year 1831 oats were 23*s.* 10*d.* per quarter; in this month oats were only 19*s.* 8*d.* per quarter; so that they had fallen no less than between 20 and 25 per cent—exactly the amount which he proposed henceforward to deduct from the present fares. But, independent of the exorbitant amount of the fare, there was a great objection to the nature of it, in consequence of the broken money that was involved in it. At present 8*d.* was the amount of the fare per mile; but the person who engaged it would hardly encounter the torrent of abuse and indignation that would be levelled against him if he failed to pay the cabman 1*s.* The fare, therefore, instead of 8*d.*, was in fact 1*s.*; and in addition to that, the public had no means of ascertaining satisfactorily the distance they were taken. He therefore proposed that the Commissioners of Police should at every stand cause a board to be fixed, as at the different railway stations, on which should be inscribed the different fares to the points most likely to be resorted to from those different stands. He also proposed that they should have the power to appoint men to attend at the different stands, who would be furnished with lists signed by the Commissioners of Police, and who, on application would, inform the hirer of a cab the amount he would have to pay. That would tend to the convenience of ladies and of others who were in the habit of using cabs, and who were subjected to great imposition under the existing circumstances. No great hardship would be inflicted upon the cab proprietors by the reduction of fares. He had already referred to the reduction in the price of forage; and his right hon. Friend the Chancellor of the Exchequer had promised, on the passing of this Bill, to reduce the present licences paid by cab proprietors to a great extent. Independent of the original licence which was to be changed from 5*l.* to 1*l.*, the licence now charged 10*s.* a week, he proposed to reduce to 7*s.*, whereby a saving would be effected to each cab proprietor of 7*l.* 16*s.* per annum. The proposition which he made to allow the Commissioners of Police to place men on the different stands to enforce the observance of the rules laid down by the Police Commissioners, would save the cab proprietors no less a sum than 15,000*l.*, which they now pay to the watermen. There were 3,000 cab proprietors; therefore they would thereby effect a saving of 5*l.* each, in addition to the sum of 7*l.* 16*s.* already referred to. The reduction of the fare was not an uninteresting subject to the inhabitants of the metropolis. The sum levied upon the inhabitants of the metropolis under the head of cab hire in the year, amounted to no less than 860,000*l.*, and the alteration he proposed to make would consequently save to the inhabitants of London no less a sum than 220,000*l.* per annum. He proposed that when the cab was taken by the hour, the fare should be 2*s.* the hour, instead of 1*s.* 6*d.*, the sum now charged, because it would be compulsory on the driver to accept an engagement by the hour if he were required to do so, whereas now the drivers uniformly refused. He proposed that there should be an alteration made with respect to the disposal of property that was left in cabs. Permission was now given to the cab driver to retain in his possession any property found in his cab during the term of four days. Then, if it were not demanded, he was to take it to the Stamp Office, where it was to remain for a year, and if it were not claimed it was to be sold for the benefit of the cab driver. He (Mr. Fitzroy) saw no reason for giving to the driver the benefit of any property that was left in his cab, and he proposed that the driver should be compelled to convey that property to the nearest police station; that it was to be left there for one year, and if it were not claimed then it was to be sold, and the proceeds should go towards defraying the expense of carrying the provisions of the Act into execution. He also proposed that in any dispute between the hirer and the owner of the cab the hirer should insist upon being driven to the nearest police magistrate, and have his complaint decided on the instant; or, if a magistrate was not sitting, that he should then drive to the nearest police court, and there have his complaint entered, which should be heard first the next morning. These were the provisions of his Bill, and he believed they were connected with the comfort of a large body of the inhabitants of this metropolis; and he hoped that they would put London on a level, as far as regarded public vehicles, with any capital in Europe.

Leave given.

Bill ordered to be brought in by Mr. Fitzroy and Viscount Palmerston.

The House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, April 22, 1853.

Minutes.] *Took the Oaths.* — Several Lords.
Public Bill.—2ª Clergy Reserves (Canada).
Reported. — New Forest Deer Removal Act Amendment.

CLERGY RESERVES (CANADA) BILL.

Order of the Day for the Second Reading read.

The Duke of NEWCASTLE: My Lords, in moving the Second Reading of the Canada Clergy Reserves Bill, I have some doubt and hesitation as to whether or not I ought to trespass on the attention of your Lordships at any great length, remembering that we have had already two discussions on this question, one of them at considerable length; but inasmuch as there are now present many noble Lords who were absent on that occasion, and as I cannot but believe there are some of your Lordships who have not studied the whole of this question of the Canada clergy reserves to such an extent as would enable you, in my belief, to arrive at a satisfactory conclusion in reference to the Bill now before your Lordships, I hope I may be excused if I venture to trespass upon your Lordships' time, although it shall be as shortly as possible, in order to explain to you the history of this question from its first commencement; to show how in my opinion, but one view has been taken of this question by successive Governments; and, lastly, to point out the reasons and arguments which I think will induce your Lordships to assent to the measure which Her Majesty's Government proposes. My Lords, I am afraid that your Lordships will be alarmed at anything like an historical statement on this occasion; yet, I apprehend, without it it would be impossible for you to appreciate the merits of this question, or to understand our present position with respect to it. My Lords, I may say so long ago as the year 1776 an Act was passed—called the First Constitutional Act of what was then denominated the province of Quebec—in which after recognising the rights of His Majesty's recently acquired Roman Catholic subjects, a clause was introduced which provided that His Majesty might make provision out of the receipt of his accustomed dues and rights for the encouragement of the Protestant religion and the maintenance of the Protestant clergy. It would appear, my Lords, that no action was taken immediately on this provision; at least I cannot discover that anything was done; but in the year 1791 a message was sent from the King to both Houses of Parliament, suggesting that they should provide for those objects by making an appropriation of lands; and in the course of that year, 1791, Mr. Pitt introduced a measure into the House of Commons, which became law, and by which one-seventh of the waste lands in the colony were appropriated for the maintenance of the Protestant clergy. My Lords, these so-called clergy reserves continued for a period of fifty years, notwithstanding frequent objections were raised within the colony, and, subject on one occasion at least to considerable alterations at the hands of Parliament, they continued until the Act of 1840 passed. A provision was introduced into the Act of 1791, which provided that the Provincial Legislature might have power to alter and repeal the provisions of that Act. I mention this circumstance thus early in my statement, because upon it will hinge a great many of the subsequent transactions, and to a certain extent, though not by any means exclusively so, the arguments which I am about to adduce to the House in reference to the present measure. The power thus given to the Provincial Legislature by the Act of 1791, has always, until a comparatively recent date, been considered to be unlimited. Now, until the year 1817 this Act remained without any open hostility on the part of the population of Canada; in fact, the Act was nearly inoperative, the Protestant clergy deriving little if any advantage from it; but in 1817 I find the first open demonstration of hostility to the system of the clergy reserves, in the shape of a Motion for the purpose of alienating one-half of the reserves so made. In 1819, two years subsequently, a new circumstance took place. Then, for the first time, a claim was put forward, small indeed in itself, but nevertheless a substantive claim, on the part of the Presbyterians, for a participation in those reserves, hitherto considered the exclusive right of the episcopalian clergy of the Church of England. Upon that claim being made, the Government of the day thought it their duty to place the matter in the hands of the law officers of the Crown, of whom my noble and learned Friend whom I see opposite (Lord Lyndhurst), being then the Solicitor General of the Crown, was one; and the noble and learned Lord did, with his Colleague, give an opinion on the case so submitted to them, by which it was established that the Presbyterian Church, coming under the denomination of Protestant clergy, were entitled to a share of the reserves. In this same year—an important year, as it concerned this matter—the House of Assembly appears to have become more jealous of these reserves, and various inquiries were made of the then Government as to their amount, and the circumstances of their position. From this time, for a period of twenty years, a constant struggle appears to have gone on between the clergy, or rather the members, of the Church of England on the one hand, and the members of the Church of Scotland on the other; for the opinion of the law officers in favour of the Presbyterians, to which I have referred, having never been carried into effect during the whole of that period of twenty years, the Episcopalians had maintained exclusively the enjoyment of those reserves. My Lords, I find that up to this period of 1824 the clergy reserves, as I stated just now, of an anterior date, were of little comparative value, and were almost entirely absorbed in the expenses attending their management. I find that in 1819, when that opinion was taken, the available fund amounted to only 700*l.*; and they dwindled in subsequent years to a very considerable extent, until in 1822 they only produced 150*l.* In consequence of this continued struggle between the rival Churches, and of the comparative valuelessness of this enormous amount of property, a proposal was introduced for the sale of those reserves. That proposal, accompanied by other suggestions which were not so successful, was carried out by a measure introduced by Mr. Wilmot Horton in 1827, and supported by the noble Earl opposite (the Earl of Derby), then a Member of the House of Commons, who stated on that occasion that the facts which he had observed during his then recent tour in the United States and in Canada had conclusively established that there was there a universal opinion against the maintenance of the clergy reserves. I venture to hope, when I quote the words used by the noble Earl on that occasion, that he will not suppose that I do so for party purposes. I only do so simply because they show the universal feeling which then prevailed, and which I have reason to believe has continued to prevail, to a very considerable extent in regard to this question to this day. I find the noble Earl said in 1827—

> "The short acquaintance he had recently had with the provinces of Canada enabled him to state, that whatever might be the differences of political and party feeling in that country—and there was no place where party feeling ran higher—no person entertained a difference of opinion as to the pernicious tendency of the clergy reserves. When Mr. Pitt brought forward the Canada Bill in 1791, he distinctly specified that the arrangement then made must be subject to such modifications as might afterwards be deemed expedient. The experience of thirty-five years had demonstrated, not only the inconvenience, but the absolute mischief, which resulted from that arrangement. The appropriation of clergy reserves in Canada had operated as a serious obstacle to agricultural improvement. The making of roads, an object of so much importance to the colony, was checked by this arrangement; for, as every man was obliged to make roads through his own estate, where these reserves occurred, the progress of road-making was either arrested, or the burden thrown upon the owner of the contiguous land. . . . . In giving his unqualified approbation to the measure proposed, he must be understood as being perfectly aware of the nature of the property allotted to the Church, and of being as sensible as any man of the monstrous absurdity of attempting to support what was called the Established Church, but which, in fact, never would be established. The present sale he understood to be for the improvement of the remainder of the lands given to the Church; and as such it had his approval. It left, too, the question respecting the propriety of such grant precisely where it was; for the Act of 1791, under the authority of which it was made, remained just as open to revision or amendment after that sale as it was before."—[2 *Hansard*, xvi. 586.]

In the year 1826 an Address from the House of Assembly of Canada was sent to this country, requesting that the clergy reserves might be appropriated for the purposes of education, and that no more waste lands should be allotted for the purposes of the clergy. A similar Address was presented in the year 1829, and I need not say without effect. A new party now appears upon the scene. I allude to the period when the members of the Scottish Church first came in for a participation in this fund. In 1828 the Wesleyan Methodists first put in a claim, and they stated their reasons to be, that while no other Protestant Dissenters had a right to participate in those reserves, yet that they had a special claim; and although the Government of the day did not acquiesce in that claim, so far as the clergy reserves were concerned, yet their acquiescence in the then state of things appears to have been ascertained by a money contribution, from what source derived I am not certain, but which appears to have been satisfactory. I wish at this period of my statement to point out to your Lordships the successive progresses of public opinion in reference to this matter—how the desire of the Canadian people being neglected led on to fresh demands, and how upon each successive refusal and neglect to agree to those demands, fresh claims were made in each subsequent year. In 1824 the demand was that the clergy reserves should be no longer appropriated to the members of the Church of England, but should be equally divided among all religious denominations in proportion to their respective numbers in the colony; but in 1826 the application was that the clergy reserves should no longer be appropriated to the purposes of the various denominations, but to the purposes of education and public improvement; and in 1828, the first two demands being neglected, the agitation took the shape of a demand that the clergy reserves should be entirely appropriated to secular purposes. I find that in 1831—this struggle having been constantly proceeding, the House of Assembly on the one hand demanding, in one form or other, material changes in respect to the clergy reserves, and the Legislative Council, on the other, invariably resisting those changes—an alteration took place, and the House of Assembly, failing to attain its objects through the instrumentality of its own Legislature, applied to the Imperial Government, with the view to procure these objects. It is singular enough that in this year, when they came to that determination, the Government at home, it appears, partly resolved on the abandonment of the clergy reserves, not, seemingly, in deference to the opinion of the Legislature of Canada, but in consequence of a Committee of the House of Commons which sat in 1828, and which, having recommended such a measure, had made an important report on this and other subjects. In consequence of that report it appears that the Imperial Government proposed that a measure should be passed to enact that those reserves should revert to the domains of the Crown. But in what form was it proposed? I find that, not merely on that occasion, but on every other, every successive Colonial Secretary appears to have looked on this question as one which was to be legislated upon, not by the Imperial Parliament, but by the Colonial Legislature. Did the Secretary at that time (Lord Goderich), having advised the total abandonment of the clergy reserves, proceed to introduce a measure into this House for that purpose? By no means. In a despatch dated 21st November, 1831, addressed to Sir John Colborne, Lord Goderich says—

> "In order to accomplish effectually the designs which I have explained in the despatch already referred to, it will be necessary that so much of the statute 31 *Geo.* III., c. 31, as relates to the allotment and appropriation of lands for the support of the Protestant clergy within the province of Upper Canada, should be repealed by an Act to be passed by the Council and Assembly in exercise of the authority committed to them for that purpose by the 41st section of the Act. The Bill if so passed must be accompanied by an address from the Legislative Council and Assembly, desiring that it may be 'transmitted to England without delay, for the purpose of being laid before Parliament previously to the signification of His Majesty's assent thereto.' A simple repeal of this part of the Act of 1791 would give birth to some questions of an embarrassing nature, the discussion of which it is very desirable to preclude. The questions which I anticipate would be, 1st, whether the reserves already made would vest in His Majesty absolutely, or would be held by him upon any trust for the benefit of the Protestant clergy; 2dly, whether the leases granted by the corporation for managing the reserves would be still subsisting; 3dly, whether the rent reserved on those leases would be payable to His Majesty or to the corporation; 4thly, whether the money already raised by sales, under the Act of 1827, would remain applicable or not to the purposes expressly declared by that statute. It might be suggested, as a further doubt, whether the corporation would continue in existence, and whether the powers of sale given by the Act of 1827 were to be exercised any further. The solution of those questions is, however, obvious; the corporation could not survive the extinction of the object for which it was erected; the power of sale could not be exercised after the subject of sale, viz., the clergy reserves, had ceased as such to exist. To meet, however, still more effectually the two last-mentioned questions, you will, as soon as the Act shall have been introduced into the Assembly, intimate to the clergy corporation that it is the express desire of His Majesty's Government, that until the Bill shall have finally passed into a law, or shall have been finally rejected, they do abstain from granting any more leases of the clergy reserves; I cannot doubt their ready compliance, and am most reluctant to reason, even hypothetically, on the contrary supposition. But as it will be necessary to prevent improvident leases, which, in the haste and excitement of the moment, might be made, you will, in the unfortunate contingency of the corporation persisting in making them, direct the Attorney General to take such measures as may be best adapted to bring to trial the validity of the charter itself. I apprehend that the result must be to ascertain that it is void in point of strict law. But it is impossible to deprecate such a controversy too earnestly, or to contemplate it at all, except as an extreme remedy in a case of extreme importance. Whenever the Act shall have been finally passed, the continued existence of the charter would be of no practical importance, though it would be on the whole desirable that the charter should be then surrendered. With regard to the continuance of the power of sale under the statute 7 & 8 *Geo.* IV., c. 62, you will immediately signify to the officers employed under that statute His Majesty's commands that they do abstain from acting any further in execution of it after the 30th June, 1832, and that during the half-year from January 1st to that date the sales to be made should not exceed in number of acres the number actually sold in the preceding half-year. The difficulties which might oppose or partially frustrate the execution of the designs of His Majesty's Government being thus obviated, it remains to consider what provisions the proposed act of Assembly should contain. First, then, it should be enacted, that so much of the British statute of 1791 as relates to the appropriation of the clergy reserves should be repealed. But as it is unnecessary, and would be highly inconvenient, to repeal so much of that Act as relates to the erection and endowment of parsonages, it will be fit, in order to obviate the possibility of mistake, that the precise words upon which alone the repeal is to operate, should be quoted in the repealing act. Secondly, to remove all doubts as to the effect of the repeal, it should be expressly provided that the reserved lands should immediately vest in His Majesty, and be held by him, his heirs, and successors, in the same manner in every respect as if the provisions to be repealed had never been enacted. Thirdly, the leases granted by the clergy corporation should be declared to be as valid as though the repealing Act had not been passed; but the tenants should be required to attorn to His Majesty, and to pay their rents to him, or to the receivers of his land revenue in the province. Fourthly, all sales effected and all acts done under the statute 7 & 8 *Geo.* IV., c. 62, should be declared as valid as though the repealing Act had not been passed. Fifthly, the only additional provision, the necessity of which I can anticipate, would be an enactment declaring that henceforward no grant of lands, wherever made, shall be deemed invalid or ineffectual, by reason of the absence of a specification of the clergy reserves appropriated in respect of such grant. With reference to future grants, this, of course, would be superfluous; but it might obviate some inconvenient doubts as to the effect in future of past neglects of this part of the Act of 1791. A provincial statute, embracing these provisions, and neither exceeding nor falling short of them in any material respect, would, I apprehend, effectually set at rest all the questions respecting

the clergy reserves to which I have adverted in my accompanying despatch, except in the possible, but, I trust, very improbable, event of either House of Parliament addressing His Majesty to withhold his assent. That, however, is a contingency against which no security can be taken, and upon which it could answer no practicable purpose to speculate. It remains to consider what steps should be taken, in order to bring this question fairly under the notice of the two branches of the provincial legislature. For that purpose, it will be fit that they should be invited to the consideration of the question by a message from His Majesty."

Lord Goderich appears to have been so convinced that this was not a matter for the Imperial Parliament, but rather for the Colonial Parliament to legislate upon, that—although in those days it appears to have been the practice to keep the colony entirely in leading-strings—he not only sent a form of message to the Governor, in which he was to recommend the Bill to the notice of the local legislature, but he actually sent out a draft which he was to propose to the legislature; and in that draft Bill I find a clause that the land heretofore appropriated in those provinces, for the support and maintenance of the Protestant clergy, and remaining unsold, should revert to His Majesty, as of his original estate, and should be absolved from the trust purposes for which it had been appropriated. I would wish to remark upon this despatch, that here we have the first step, showing how little value is to be attached to the complaints which were made by the right rev. Prelate near me (the Bishop of Exeter) on a recent occasion, that this was an infraction of vested rights, and that it constituted a breach of faith. But what can the right rev. Prelate say of the course taken by Lord Goderich and every Colonial Secretary, except that there was no attempt to legislate through the instrumentality of the Imperial Parliament? In consequence of this despatch from Lord Goderich, the Governor, Sir John Colborne, sent the message he was directed to send; but legislation was stopped by the prorogation of the Canadian Parliament, which took place almost immediately. My Lords, how different is the course we are called on to take now. In 1831, we find the Colonial Parliament was invited (for these are the words used by Lord Goderich) to consider this question and to legislate upon it; and we now in 1853 are engaged, not in discussing the question whether we shall abandon the whole system of the Canada clergy reserves, but whether we in 1853 shall give to the Colonial Parliament power to do, *inter alia*, what we in 1831 invited them to do. I have said, no consequences arose from this despatch of Lord Goderich, and the struggle continued as heretofore; but in 1835 the Legislative Council appears to have become alarmed at the state of the contest which continued in the colony, and they in that year for the first time addressed the Imperial Government, requesting them to interfere in reference to this much-vexed and long-mooted question. That address was answered by Lord Glenelg, who was then Colonial Secretary, in a despatch dated the 5th of December, 1835; and he repeated the same views as had been expressed by his predecessor in office as to the colonial nature of this question, and the unconstitutional character of attempting to legislate by the Imperial Parliament on matters affecting the local concerns of the colony. He said—

"The chief practical question, then, which at present demands consideration is, whether His Majesty should be advised to recommend to Parliament the assumption to itself of the office of deciding on the future appropriation of these lands. There are two distinct reasons, both of which appear to me conclusively to forbid that course of proceeding. First, Parliamentary legislation on any subject of exclusively internal concern, in any British colony possessing a representative assembly, is, as a general rule, unconstitutional. It is a right of which the exercise is reserved for extreme cases, in which necessity at once creates and justifies the exception. But, important as is the question of the clergy reserves in Upper Canada, yet I cannot find in the actual state of the question any such exigency as would vindicate the Imperial Legislature in transferring to themselves the settlement of this controversy. The second ground on which I think myself bound to abstain from advising His Majesty from referring this question immediately to Parliament is, that the authors of the Constitutional Act have declared this to be one of those subjects in regard to which the initiative is expressly reserved and recognised as falling within the peculiar province and the special cognisance of the local legislature, although its ultimate completion is no less distinctly made to depend, in addition to the ordinary submission to His Majesty, on the acquiescence of the Imperial Parliament. It is not difficult to perceive the reasons which induced Parliament in 1791 to connect with a reservation of land for ecclesiastical purposes the special delegation to the Council and Assembly of the right to vary that provision by any Bill which, being reserved for the signification of His Majesty's pleasure, should be communicated to both Houses of Parliament for six weeks before that decision was pronounced. Remembering, it should seem, how fertile a source of controversy ecclesiastical endowments had supplied throughout a large part of the Christian world, and how impossible it was to foretell with precision what might be the prevailing opinions and feelings of the Canadians on this subject at a future period, Parliament at once secured the means of making a systematic provision for a Protestant clergy, and took full precaution against the eventual inaptitude of that system to the more advanced stages of a society than in its infant state, and of which no human foresight could divine the more mature and settled judgment."

That showed that up to this date in the year 1835, every Colonial Secretary was still under the impression that by the Act of 1791, the power of the Colonial Parliament to legislate was unlimited. Lord Glenelg proceeded to say—

> "I think, therefore, that to withdraw from the Canadian to the Imperial Legislature the question respecting the clergy reserves would be an infringement of that cardinal principle of colonial government which forbids parliamentary interference, except in submission to an evident and well-established necessity."

There is a subsequent despatch from Sir George Grey, dated the 29th December, 1837, but it is much to the same effect, and I am unwilling to inflict a long statement upon your Lordships. I will, therefore, hurry over this historical sketch that I have ventured to lay before your Lordships. I will not refer to successive documents of the same description, or quote the words of the Earl of Gosford, the Earl of Durham, or Lord Sydenham. The same story is to be found in them all, both in reference to the clergy reserves and the mode of dealing with them. From this very ominous volume, that was laid on your Lordships' table in the year 1840, I will merely quote one more despatch; it is from my noble Friend Lord John Russell, and is dated the 7th September, 1839, the year before the Act was passed which I now propose to deal with. He said—

> "Parliament delegated to the local legislature the right of appropriating the clergy reserves, and the effect of the Bill is to retransfer this duty from the local legislature to Parliament, with a particular restriction. I am advised by the law officers of the Crown that this is an unconstitutional proceeding. It is certainly unusual and inconvenient. Her Majesty cannot assume that Parliament will accept this delegated office; and if it should not be so accepted, the confirmation of the Bill would be productive of serious prejudice and of no substantial advantage. It would postpone indefinitely the settlement of a question which much concerns the welfare of the provinces to bring it to a close; besides, I cannot admit that there exist in this country greater facilities than in Upper Canada for the adjustment of this controversy; on the contrary, the provincial legislature will bring to the decision of it an extent of accurate information as to the wants and general opinions of society in that country, in which Parliament is unavoidably deficient. For all these reasons Her Majesty will decline to give Her assent to this Bill."

I ought to have said that this was in answer to a further address from the Colonial Legislature calling upon the Colonial Secretary to apply to Parliament to arrange this matter for them. My Lords, I have now shown what the views were of successive Secretaries of State for the Colonies on this subject. In the year 1840, for the first time, the two Houses in Canada came to a decision upon this subject, and a Bill was at last passed for the settlement of this question. The two Houses at length agreed, under the governorship of Lord Sydenham, to send to this country a Bill for the Royal assent. That Bill was prepared under the 42nd clause of the Act of 1791, and was laid upon your Lordships' table with the view that at the expiration of thirty days from that period, no address being made to the Crown respecting it, it might receive the Royal assent. Unhappily, a question was raised, not by a noble and learned Lord in this House, but by one whose legal acumen has very often pointed out defects in Acts of Parliament before—I mean a right reverend Prelate near me (the Bishop of Exeter); and he raised the question as to whether the Colonial Legislature had not exceeded their powers, and in truth that which every successive Colonial Secretary had believed to be their right, and each successive Assembly of Canada had believed also to be its right, and that which I believe every lawyer in this country who had looked to the question up to that period had believed to be indisputable—a question was raised as to whether the Act of 1791 enabled the Canadian Parliament to deal retrospectively with the clergy reserves, as well as prospectively with regard to the appropriation of fresh lands. My Lords, on this question being referred to the Judges, they decided that the Canadian Parliament had not the power, and had no right, to pass the Bill; and although it was absolutely necessary for the Parliament and Government of that day to acquiesce in that decision, yet I think your Lordships will agree that it was no little hardship upon that colony, after the course successive Governments had taken, and the belief so long existing, and this constant struggle respecting the subject, that when at last the two Houses had been brought to agree, then the authorities of this country should step in and say, "We have been all wrong; you might have spared yourselves these many years' contests; we might have spared ourselves all the despatches that are contained in these books; we might have spared all our constitutional law, and you all your struggles. We find that such a right did never exist; and now that you agree, we must step in to differ with you." The result of that decision was, that the Government of the day, feeling that it was absolutely necessary to settle this question, and that no alternative remained, brought in a Bill to a great extent, although not absolutely, embodying the provisions of that Bill which had been agreed upon by the two Houses of the Canadian Legislature in the preceding year. That Bill was introduced into the House of Commons, and subsequently passed through both Houses, though very materially altered in its progress;—especially as regarded the relative proportions to be received by the respective denominations of Christians, considerable alterations were introduced. Well, my Lords, I am not going to deprecate the spirit of compromise that admitted those alterations to be made, but I do not think we have a right to complain of the colony because it has not been accepted, when a Bill was passed in a final form, in no degree agreed to by them, and in many respects opposed to their wishes. So far from a universal acquiescence being given to the measure, as stated in this House on a former occasion, we had at that time received from Lord Sydenham, the Governor of Canada, an intimation that this compromise would not be conclusive, that the Canadians would never be satisfied with it, and that at some time after the question would be raised, and this unhappy controversy would be renewed. But even if this had not been the case, and if it had been accepted by the Canadians at the time as a settlement, what right should we have now to consider them bound by that settlement, or to say that what was suited to the circumstances of Canada in 1840, is entirely suited to her circumstances in 1853? Have no changes taken place in that country since then? Why, nothing hardly remains the same. The increase of population has been enormous—I believe the population has been nearly if not quite doubled within that period—and the progress in material wealth and civilisation has more than kept pace with the increase of the population. The relative proportions of the religious denominations within that country have been materially changed—because it is not as in a settled country, where families follow the individual belief of their parents. In that country a large immigration has taken place from various parts, and of course the denominations of Christians are in a constant state of mutation, and fluctuations occur from year to year. I say then, my Lords, that the circumstances of Canada are as different now from what they were in 1840 as it is possible to conceive; and though it may be an interruption of my statement for a single moment, let me point out the state of extraordinary prosperity, peace, and contentment, except on this one subject, which that colony now enjoys. We now hear nothing of the question of annexation, and I think I am bound to say that we hear nothing of it in consequence of the course of government that has been pursued towards that colony for several years past. I say that a wise policy has been maintained both by the Government at home and by that able man my noble Friend Lord Elgin, who has acted in accordance with and under the directions of that Government. My Lords, we hear nothing now of annexation; the Canadians justly believe themselves to be the inhabitants of a country that requires not to be annexed to any other; but, moreover, they do not desire another change that was touched upon in this House, but which I hope will never be seriously mooted—I mean that of independence. I believe, my Lords, that independence would be as injurious to Canada as annexation. I believe in that colony there is as strong a feeling of loyalty towards the Government and towards this country as in any other part of Her Majesty's dominions, either colonial or at home; and if you wish to maintain this feeling—if you wish to maintain this great and important colony as a portion (I will not call it a dependency, but an integral portion) of this great empire—if you wish so to maintain it, you must pursue the policy that has been followed for several years past. You must not now take a retrograde step, especially on this one point in which her dearest interests are involved, and on which men in all countries feel more keenly than on any other. I defy any noble Lord, however eloquent, to show that we should make this an exceptive case; if we wish to maintain this portion of our empire in its present temper, loyalty, contentment, and peace, we must follow out the policy that has been pursued, and not depart from it by refusing to give that assent to this Bill which I am now about to ask your Lordships to grant. What is the difference between the opponents and supporters of this Bill? Is there any Member of your Lordships' House who will deny the necessity for making an alteration in the Act of 1840? Does any one pretend that no alteration whatever is to be introduced into it? Most undoubtedly if there be any of your Lordships who entertain that opinion, the noble Lords opposite are not the parties to do so, for it was distinctly recognised by the Government that preceded the present that alterations were necessary, and the only question appears to have been, by whom were those alterations to be effected? I have already on a former occasion, quoted a passage from the despatch of Sir John Pakington on the 22nd of April last year, and I feel it to be so important that I shall quote that passage again. He says—

> "That while it appears to Her Majesty's Government that in the distribution authorised by the Clergy Reserves Act, 3 & 4 *Vict.*, of the proceeds of the sales of reserved lands, no ground is left for reasonable jealousy, or complaint of undue favour to particular religious denominations, they think it possibly may be desirable, on account of the changes that may be effected in the character of the population, either by extensive immigration, or other causes, that the distribution in question should, from time to time, be reconsidered."

Well, my Lords, what is it that the present Government propose? An alteration, undoubtedly, in the Act of 1840; but do we propose that measure which some noble Lords and others in the country have expressed so much apprehension of—do we propose any measure for secularising those reserves? By no means. ["Hear, hear!"] The right rev. Prelate cheers me, and I know what he means; he is about to introduce the old argument, that though we are not going to secularise them we are about to put out of our own hands, and into the hands of the Legislature of Canada, the power to secularise them. Most undoubtedly we are; and if you can show any case for retaining a privilege in the hands of the Imperial Legislature which until the year 1840 we believed to belong to the Colonial Legislature, and which by right belonged to the Colonial Legislature as much as any other question affecting their local concerns—unless you can prove that, no prospect you can hold out to me—even if you can substantiate it, of secularisation of the reserves by the Canadian Parliament, ought to justify you in refusing to do that which you believe to be an act of right and justice to the colonists of Canada. The present measure is a simple one, and its object is to hand over the decision of this question to those to whom it rightfully belongs. I, certainly, for one, will not anticipate what the Colonial Legislature will do if you pass this Bill, because I stand distinctly on the question of right and justice, and we have no right whatever to enter upon that other question. At the same time, if I were expressing my own individual opinion, I would say that I am not without hope that the Canadian Parliament will treat this question in the same spirit that your Lordships would do, and that if you pass this measure now there will not be—I will not say a desire on the part of any of them, but—a unanimous decision, or a decision by a majority of the Colonial Legislature, for the secularising of those reserves. That is a matter of mere individual opinion; I put it forward as nothing more, but I say there are grounds for a just confidence in them on this question. I see that the noble and learned Lord opposite shakes his head; but I know of nothing that has passed, at least, that would indicate any foregone conclusion on the subject, or indicate a determination on the part of the Legislature or Assembly of Canada to do more than to acquire the powers which I say the Government is prepared to give them, and which I hope your Lordships will assent to. My Lords, what was the Resolution that was passed, on the Address by the Legislative Assembly on July the 1st, 1851? The address, asking for the power to legislate on this question, was passed by a considerable majority; but there was a further question raised on this subject, and an attempt was made to decide then what should be done with those reserves. A Motion was proposed by Mr. Mackenzie that those reserves having been originally bestowed upon the Protestant clergy, and a portion of them having been diverted from that purpose and appropriated to the Presbyterian Church, future religious tranquillity would be secured by a final diversion of those reserves from all ecclesiastical and Church purposes, and by their application to a general system of education, whereby persons of all religious creeds would alike profit by them. Here then, was the question of secularisation distinctly raised; and though I do not mean to say the division on that question indicates the exact state of opinion upon it, it leads me to form an opinion that the members of the Canadian Parliament are not yet prepared to take that final step, the resolution having been negatived by a very considerable majority. As I have said before, I will not enter upon the consideration of what the Canadian Parliament may do when your Lordships shall have restored to them that which I believe they ought never to have been deprived of; but you may look upon it as an axiom that you can have no better defence against the abuse of power than responsibility; and when you throw upon the Canadian Legislature a share of the responsibility, you will have taken at once the only security you have a right to take, and the best security you can have, against any undue or improper use being made of the powers you confer upon them. I need not refer to the despatch of Lord Elgin on this subject, nor to the despatches of the noble Earl near me, when he was Colonial Secretary:—but how stands the question at this moment? In what position are we now placed, and how does this question come before us? There have been two Addresses to the Crown on this subject from two distinct Assemblies; one address was agreed to by the Legislative Assembly shortly before a dissolution; the other address was agreed to by the Assembly immediately succeeding; thus representing the feelings of the people of Canada after the result of a general election, at which this question had been specifically raised. You have those two Addresses before you, urging upon you to hand over to the Colonial Parliament the power of legislating on this question, and to divest yourselves of that power which they feel to be at variance with their rights. My Lords, practically, the Canadian Parliament had this power in the infancy of the State; the right existed in the infancy of the State, and was supposed to continue up to the year 1840; and now, in the mature age of this colony, will you hesitate to give them that power which nobody wished to deprive them of before, through an apprehension that they will be disposed to abuse it? My Lords, you have abandoned the finality of the Act of 1840, as I have shown by the despatch of the late Government; and I say, when you have abandoned the finality of the Act of 1840, there is no reason on which you can base your refusal to pass this measure through a fear that the Canadian Parliament would abuse the powers conferred on them. My Lords, if you say that is a reason for refusing to pass this Act, the same reason might have retained in the hands of the Colonial Office every power that has been conceded to our colonies on every principle that was sound and good. Was there, I ask you, any apprehension, when you passed the Act of last year, handing over to New Zealand the administration of the lands of that colony, that there would be any abuse of that power? No doubt, in the first instance, there might be an abuse of it; but is that a just and sufficient reason to refuse doing what is just and right? Well, just so it is in the present instance; the refusal to grant this power on account of its possible abuse by the colonists of Canada is equally untenable as an argument against the concession; and I can see no reason but one based upon that abstract principle which at any rate was abrogated in 1840, and which I believe is maintained by a right hon. Friend of mine in the other House of Parliament—I can see no other reason but this abstract principle, the want of power in all Parliaments to deal with a question of this nature—on which you can refuse to pass the Bill now before you; and if you refuse to pass it upon that ground, the objection will equally apply to the power of the Imperial and of the Colonial Parliament—we, under such a principle as that, have no more business to legislate upon it than the Canadian Parliament, to whom you refuse the power. When Sir John Pakington, in the despatch I have read to your Lordships, stated that the late Government was willing to entertain the question, and proceeds to say that any proposals that were made for the redistribution of the reserves, Her Majesty's Government would be willing to entertain, I must say, it appears to me that no greater violation of the principle of colonial freedom was ever propounded by a Colonial Secretary. By acting upon that principle, you will say that you admit that there are things which it is right should be done within the province of Canada; you admit the present state of things is unsatisfactory, and that an alteration may take place; but you say to the Canadians, "If you will submit those proceedings to us—if you will make your recommendation—we, keeping you in leading-strings, will decide whether we think it is right to do those things for you or not: you shall not do them for yourselves; we are the judges; we will exercise a discretion for you, and legislate for you if we think fit, and if not, let it alone." What becomes of the question of the public faith after this? My Lords, of finality I think we have long ago disposed; but there is another question I would like to ask, and that is, what becomes of this argument that has had such important weight with many out of doors, and some of your Lordships—the argument which is based upon the supposition that we are bound to maintain the rights of the Church of England? My Lords, is there on this question any longer subsisting what I may call a Church-of-England party?—and I will go further, and ask if it be possible to maintain that there is even a Protestant party? The noble Earl (the Earl of Winchilsea), whose feelings are always excited, and properly so, by that subject, shakes his head; but if he looks to the past history of this subject, he will find that it is impossible to say that there is any argument which can be called the Protestant argument any longer to be maintained. The Act of 1840 actually did that which it is now proposed to repeal; it actually endows the Roman Catholic Church. The noble Earl to whom I have just now alluded spoke on another subject on Monday last; he spoke with holy horror of the wickedness of Her Majesty's Government, and certain Members of your Lordships' House, in supporting an institution of an anti-Protestant character; but I would remind the noble Earl that the Act of 1840, which it is proposed to repeal by what is called this anti-Protestant measure, specially provides that a portion of those reserves should be given to the Roman Catholic Church. ["No, no!"] I believe I am wrong in saying "specially provides;" but by the Act there is power so to appropriate them; and since the passing of the Act that appropriation has been made. The Act of 1840 entirely altered the position of those clergy reserves, and power was given to grant a portion of them to the Roman Catholic Church. From that period the Roman Catholic Church has derived very considerable advantage from them; and a sum of 1,160*l.* has been regularly paid to the Roman Catholic Church during the whole of the intervening period. What then becomes of the Protestant argument? You are complaining that we are sacrificing the Protestant character of those reserves, and passing a Bill of a most anti-Protestant character, because we are repealing a measure under which the appropriation of a portion of them to the Roman Catholic Church is to be made. You can no more maintain the anti-Protestant character of this Bill, than the right rev. Prelate can maintain (I shall leave him to consider the answer he received on a former occasion from a right rev. Brother) that this Act is an act of sacrilege; for after the appropriation that took place in 1840 we now propose to give to another body the power that we did not hesitate to exercise ourselves. My Lords, I sincerely hope that it is unnecessary for me on this occasion to enter into any discussion or argument on the question of the relative numbers in the Canadian Parliament by which this measure was supported and opposed. The Secretary for the Colonies in the late Administration (Sir John Pakington) dwelt upon it on a former occasion when the question was before us; but I feel, my Lords, that such an argument strikes at the root of all representative government. I feel that it will be impossible to maintain such an argument as affecting Canada without looking to it as affecting our own House of Commons; and there are few of your Lordships, I believe, who will agree to a proposition to attach an enormously preponderating weight to the opinion of the Member for the West Riding of Yorkshire or of the city of Manchester, over the opinion of the Member for the borough of Droitwich or the borough of Midhurst, in the Imperial Parliament. Few of your Lordships will agree to such a proposition, and it was a bad argment for any one to put forward, but more expecially for one who had held the important office of Under Secretary for the Colonies. My Lords, I hope another argument will not be used, namely, an argument that is founded on an analysis of the votes as regards the religion of the Members by whom this measure was carried. If you do so, you will adopt a most dangerous course. If you come to the decision that the Roman Catholics in the Canadian Parliament have no right to vote on a question affecting the clergy reserves, you must equally come to the conclusion that Roman Catholic Members of your Lordships' House have no right to vote on such a question as came before you on Monday last. Both the arguments are equally dangerous and equally untenable; and from the deep interest I feel, both officially and individually, in the welfare and peace of Canada, it was with the most sincere pain that I found them urged by some of the opponents of this Bill. In regard to this question, those Roman Catholic Members of the Colonial Legislature have not, up to the present time at any rate, voted on a question that interests their Protestant countrymen in any greater degree than themselves. They voted that a measure of colonial freedom should be passed; their Protestant countrymen believe also that it ought to pass; and any opinion beyond that they have not professed. We are told that the Roman Catholic endowments in Canada will stand in a very different and a more advantageous position than the Protestant endowments if this measure should pass. I maintain that will not be the case. I say that if you pass this measure the clergy reserves will stand precisely on the same footing as the Roman Catholic endowments. In the first place, my Lords, there is a great misunderstanding with respect to the endowments of the Roman Catholic Church. Those endowments mainly consist of tithes, and with respect to those tithes the Canadian Parliament have already the power to legislate on them—as much power as they will have to legislate on the clergy reserves if you pass this Bill. With reference to the other large branch of what may be called endowments in the nature of charitable and educational establishments, we have already seen how insecure their tenure is if the Legislature of Canada wish to alter it. I quoted on a former occasion a case where, in spite of treaties, and of an Act of Parliament which was passed subsequent to those treaties, so little secure was their tenure supposed to be, that they willingly surrendered any security they had, and accepted from the Government of the day a colonial ordinance as their only title and security. With this single fact before you, can it be considered that we are dealing with the clergy reserves in an unfair or partial spirit by giving an advantage to any other Church in that country over the one to which the majority of ourselves belong? A petition was presented just now by a most rev. Prelate (the Archbishop of Canterbury) from a most distinguished Prelate of Canada, the Bishop of Toronto, and he stated the substance of that petition, which was already on your Lordships' table, in the form of a letter addressed to me. I have read that letter with the attention which anything coming from that eminent individual deserves; but I must say that I have been struck with astonishment at reading this letter, having had previous opportunities of observing the great powers of mind of that eminent man—his great ability—his clearness of argument—his logical acumen —I say I have been astonished, in reading this letter, to find that, however able it is in many respects, there is, throughout the whole of it, an absence of that continuity of argument, and of that logical deduction, that I never saw wanting in any other of his productions. There is hardly one sentence in that letter which does not contradict that which precedes it, or which is not at variance with that which succeeds it. The right rev. Prelate tells you at one time that we are placing the Church of England in an inferior position to the Church of Rome; and he uses some words in the force of his zeal which I am sure the amiability of his disposition must have subsequently led him to regret. In a subsequent part of his letter, however, he appeals to those very Roman Catholics, and calls upon them to assist in the common cause; nay, more, he points out in two distinct passages of the letter that the Roman Catholic endowments stand upon a weaker foundation and are in a worse position than the clergy reserves will be, even if you pass the present measure. I rejoice, therefore, that your Lordships are in possession of this letter, with respect to which I have on several occasions had anxious inquiries from the right rev. Prelate near me (the Bishop of Exeter), who was so desirous for its publication that he sent it to a newspaper called the *English Churchman* before it was received at the Colonial Office. [The Bishop of Exeter made an observation.] I really did not look at the date of the paper. I saw it there a day or two after I received the letter. I presume, therefore, that the right rev. Prelate can explain how this letter addressed to the Colonial Secretary—a public document—was published in a newspaper before it was laid on the table of your Lordships' House. I rejoice, however, as I have already said, that this letter is in the hands of your Lordships; because, long as it is, I will appeal to any of your Lordships who have given it a candid perusal, whether the balance of the argument it contains is not against the position of the right rev. Prelate, and in favour of the view taken by Her Majesty's Government, so far as equal justice to the various religious denominations of Canada is concerned. We have been frequently told that we should take an example in this matter from the course pursued by the United States in a similar case: and that the Canadian Parliament are now anxious to do what the United States never attempted to do, and certainly never did. We are particularly told to look at the State of New York, whose regard to public faith is put in prominent contrast with the assumed desires and intentions of the Canadian Legislature. My Lords, I believe that the two cases are not at all parallel, and that in cases really parallel the comparison would not hold good. But I am ready to take the case as it has been stated. I think I have a right to deduce from the circumstances as they are presented to us, an important argument in favour of the Bill now before the House. What is the cause that the State of New York has never endeavoured to confiscate, as it is called, these endowments of the Episcopal Church of England, which was established at the time of the connexion of that colony with this country? It is because in these days we dealt with the State of New York in a different manner from that in which noble Lords are now calling upon us to deal with Canada. The Government of those days did not, by imperial Acts of Parliament, endeavour to fetter the State of New York with reference to this endowment of the Church of England. We did not say, to use the words of the late Colonial Secretary, "If you want alterations, appeal to us; we will make them if we think fitting;" but we left them a free action in this matter; and as we left them, and as we trusted them in other cases, we placed confidence in them as to this; we did not say to them, "You are unworthy to be trusted on that most important matter, the management of affairs connected with the maintenance of your religious establishments." On the contrary, we said to them, "Everything connected with your local concerns shall be upon the same footing, whether it relates to the State or to the Church;" and we see the results. The spirit of confidence which we displayed towards the State of New York, was rewarded, as I believe a similar display of confidence towards Canada with respect to these reserves will be. You trusted the people of the former province; and, as we are now told, they have maintained unimpaired and unsecularised these establishments, which date from the time of their connexion with this country. I believe that if, upon the passing of this measure, of which I feel confident, these reserves are secularised, that the cause of that secularisation will be to be traced to the mistrust shown by this country and its Legislature. I think it is greatly to be lamented that this question has remained open so long as it has done; but of this I feel sure, that if you leave it open much longer, when at last this power is yielded, there will be such a spirit of acrimony existing, that so pitted against each other will be the various sects of Canada, that confiscation or secularisation—whichever you please to call it—will be the certain and inevitable result. I feel that I have trespassed upon your Lordships' time a great deal too long; but before I conclude I must allude to one other matter, although it is perhaps hardly germane as regards your Lordships' House. When this Bill was first introduced into the other House of Parliament, it contained a third clause, and I think it right to explain both the reason of the omission of that clause, and the position in which the subject now remains. When this Bill was prepared, I felt that, inasmuch as we were repealing that provision of the Act of 1840 which placed in the hands of the Imperial Parliament all questions affecting the future distribution of the clergy reserves, it was desirable that, as that Act contained a clause guaranteeing under certain contingencies a provision from the Consolidated Fund, that clause also should be repealed, although it was hardly possible that the case contemplated by it could ever arise. I was of this opinion because I desired to make the measure as complete as possible, and not to leave anything open for future discussion or debate. At the time, however, that the Act of 1840 was passed, I was not, I believe, in this country, and certainly I was not in town, and I was not, therefore, aware that that guarantee had originated in an arrangement made between the Government of the day and the most rev. Prelate who then occupied the see of Canterbury. Upon the subject being brought before the Government, we came to the conclusion that, inasmuch as apprehensions, however fallacious, were then and might still be entertained that the fund might, under possible circumstances, fall short of the 10,000*l.* and odd then allotted to the two Churches, and as, by the alteration of the law now proposed, by which the future management of this fund was transferred from the Imperial Government to that of Canada, this point might not remain in precisely the same position as before—it was incumbent upon us—in order that there might be no misunderstanding or misapprehension as to good faith having been kept in a matter of this kind—to take care that, whatever might be the effect of the altered provisions of the Bill, we should not specifically and by enactment repeal that guarantee to which the two parties concerned in this matter had formerly agreed.

That was the reason why the clause was omitted. I do not wish to conceal from your Lordships that subsequently to the omission of this clause it has been established, so far as the opinion of the law officers of the Crown goes, that the measure which I am now about to ask your Lordships to read a second time, does in itself do away with the effect of this guarantee, inasmuch as it does away with the conditions on which it was based. That no doubt is the fact; but at the same time I certainly see no reason to regret that the clause, inserted in the first instance, was subsequently omitted from the Bill, inasmuch as we still maintain that provision for a deficiency in the fund, for which, and for which alone, this clause was inserted in the Act of 1840. Now, my Lords, I have arrived at the conclusion of the statement which I have felt it to be my duty to make in proposing the second reading of the Bill. But I must in conclusion entreat your Lordships that you will not—as I feel confident that you will not—hastily refuse a second reading to a Bill which is so earnestly desired by a great majority of that important community now living within the province of Canada. I trust that you will not now enter upon a controversy with that colony which I feel confident cannot long be maintained. I trust that you will not now refuse a second reading to this Bill, unless you feel that you can conscientiously and firmly, year after year, refuse those appeals to you which certainly will be again and again renewed—unless you feel a thorough confidence in any arguments which may now be brought forward in opposition to this Bill—unless you feel that your position is so strong that you can maintain it—unless you feel that right and justice are with you, and not with the colony—unless you feel that you can consistently persevere in the struggle when once you have embarked in it. I trust that—unless such be the case—you will not enter upon a course which I believe cannot be ultimately successful. My Lords, before I conclude, having thus addressed myself to your Lordships collectively, I would address myself with all respect, but with all earnestness, to the right rev. Bench. I would most earnestly exhort and pray them not to engage the Church of England in a contest of this kind. I would earnestly implore them not to yoke her with an opposition to the independent action of a colony. I know well what must be the result of such a struggle—colonial freedom will in the end prevail—but I fear that, however short the struggle, the Church of England in the colony will not remain in its present high position. I believe that the Church of England would be worsted in the contest, and that, instead of, as now, from the purity of her doctrines, the zeal of her sons, and the assistance of their fellow-countrymen here—making a progress in the colony which gladdens the hearts of Churchmen, a spirit of animosity against her will be aroused in all the opposing sects, and that even some of her own sons, disgusted with the struggle, would not, perhaps, remain faithful to her as they are now. I appeal, then, to the right reverend Bench, not thus to check the vigour—to a certain extent new-born—which is now to be seen in the Church of England in Canada, but to leave the colonists of this empire to arrange their own Church affairs. I ask, then, and I ask your Lordships generally, to vote for the second reading of this Bill, which does not militate, as I in my conscience believe, against any of these sacred rights that the right reverend occupants of that Bench are bound to protect, and which, if passed—and especially if passed by a large majority of your Lordships—wlll give religious peace and contentment to that important portion of this mighty empire—to the inhabitants of a colony which is rising day by day into increased importance.

Moved—That the Bill be now read 2ª.

The Bishop of EXETER rose to move as an Amendment, that the Bill be read a second time that day six months. He had heard with the utmost astonishment the extraordinary inaccuracies which pervaded the whole of the noble Duke's statement of the law affecting the question; but having heard those inaccuracies, he had ceased to feel some of the astonishment he should otherwise have done at the arguments he had used in urging this question on the House. The noble Duke had argued that the colonists had uniformly had the same power as that which it was now proposed to give them; that practically the Colonial Legislature had had that power since 1824; that it had been always recognised as belonging to them, and that Lord Goderich had invited them to use it; but he confessed that he heard with amazement the noble Duke state that if this Bill passed, the Colonial Legislature would have no more power over the clergy reserves than they now had over the Roman Catholic endowments. It was with utter amazement that he had heard such a statement from such an authority. Why, the very contrary was the fact. The Roman Catholic endowments would still be protected. Under the Constitutional Act of the 31 *Geo.* III., which would be absolutely annulled for ever as related to the clergy reserves, if their Lordships passed this measure, the Roman Catholic endowments would still be protected. Would the noble Duke the Secretary for the Colonies deny that this would be the case? At present, if the Colonial Legislature should send over a Bill to this country for putting the same termination to the Roman Catholic endowments as this measure would give them the power of doing unconditionally with regard to the clergy reserves, it could not be carried into effect without the consent of both Houses of Parliament. The Bill must remain thirty days upon the table of their Lordships' House before it obtained the Royal assent, and an address to the Crown against the Bill would get rid of it altogether. But that would not be the case if the Colonial Legislature chose to exercise the power which this Bill proposed to give them in dealing with the property of the Church of England; and their Lordships, therefore, would never have the power of interfering to prevent the secularisation of these reserves, in case such a proposal should be made. Were their Lordships, then, to be told that the two cases were the same? The provision in the Act of 31 *Geo.* III., was framed in such a way that, unless any Bill upon this subject had the concurrence of both Houses of Parliament, it would not become law. It was not necessary, according to that Act, for the House of Lords to inquire what the other House was doing—joint action was not necessary. The House of Lords, therefore, had at all times the power of saying it should not be lawful. This Bill, however, took away this protection, and thus striking as it did at the root of the sacred interests of religion, he trusted that that House, which was specially entrusted with the guardianship of those interests, would not suffer it to become law. Would the noble Duke, when this Bill went into Committee, undertake to introduce such a provision as would render correct the statement he had made, that the case of the Roman Catholic endowment was the same as that of the clergy reserves? Would he introduce a provision that the House of Lords and the House of Commons should have the power of stopping the secularisation of these clergy reserves if the Canadian Legislature should think fit to pass such a measure? If he would not, where was the public faith? He (the Bishop of Exeter) contended that the Colonial Secretary was pledged as a man either to take that course, or to abandon the ground upon which he rested his case. The noble Duke smiled; but if he (the Bishop of Exeter) had made such a statement, and had argued that a Bill ought to pass because the Colonial Legislature would have no more power over the clergy reserves than they had now over the Roman Catholic endowments, and then was told he was utterly mistaken, and that it would take away altogether the clergy reserves from the protection of each House of Parliament, leaving still the Roman Catholic endowments under that protection, he (the Bishop of Exeter) should feel it his bounden duty to introduce such a provision as that he had suggested. He did not pretend to judge of what the noble Duke owed to his own honour. But he would say, for himself, that if he had made that statement for that purpose, he should feel himself bound to consent to the introduction of a provision which would make the measure accordant with the statement advanced by him, and to which he had attached so much importance. The noble Duke had spoken about the exclusive right of the Colonies to legislate upon matters of strictly colonial interest, in terms which certainly astonished him. He spoke as if the Colonies had an absolute right to this, and this was certainly quite consistent with the language used in his despatch, where he undoubtedly went the whole length of affirming an absolute right in the Colonies to legislate in all matters of purely domestic concern. He there said—

> "The Government are fully satisfied that no such sentiments of regret for the possible secularisation of these reserves would justify the Government or Parliament of this country in withholding from the Canadian people, through their representatives, the right of dealing as they might think proper with strictly domestic matters."

There was not a word here of those interests which the Legislature of 1791 felt it to be their duty to guard; everything was left to the mercy of the Colonial Legislature. But the principles here laid down were not those of the law of England. Speaking in the presence of so many learned Lords, he ventured to say, not one of them would assert he was incorrect when he stated that the Imperial Legislature had an absolute right to legislate on every matter whatever on which the Colonial Legislature had a right to legislate also. The best way of dealing with such matters was to exercise mutual consideration and forbearance. He was glad to find he had touched a spring which vibrated in the feelings of so many noble Lords. The authority on which he laid down the proposition that the Imperial Legislature had a right to pass laws for the Colonies, was, in the first place, that of a very great man, who, though not equally authoritative on all points and all matters, still had great and deserved weight attached to his opinions on constitutional government—he meant Mr. Burke. At the time when he had not differed from his former political friends, and when he was in the fullest career of what were deemed the most liberal constitutional principles, in his great speech on American Taxation, Mr. Burke said—

> "I look on the imperial rights of Great Britain, and the privileges which the Colonies ought to enjoy, under those rights, to be just the most reconcileable things in the world. The Parliament of Great Britain sits at the head of her extensive empire in two capacities—one as the local Legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power; the other—and I think her nobler capacity—is what I call her imperial character, in which, as from the throne of Heaven, she superintends the several inferior Legislatures, and controls them all, without annihilating any. As all these provincial Legislatures are co-ordinate to each other, they ought all to be subordinate to her. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the plenitude of her power. She is never to intrude into the place of others while they are equal to the common ends of their institution."

A more correct and accurate description of the rights and privileges of the Colonial and Imperial Legislatures could not be drawn. It was, to be sure, eighty years ago since it had been spoken, and it might be, though he doubted it, that we had grown wiser as well as more liberal since that time; but, even supposing Mr. Burke's authority not to carry weight with it now, he could refer to the opinions of another very excellent man—one of the most upright and excellent this country ever produced, and well known to many around him—the late Sir Samuel Romilly. Mr. Wilberforce had moved for leave to bring in a measure to afford some protection to slaves in the West Indian Colonies, but had been met by assertions on the part of the planters that we had no right to interfere in the internal affairs of the Colonies—just, in fact, as the noble Duke near him said we had no right to legislate for the Canadian Church. In reference to that notion and assertion, Sir S. Romilly, in his diary—and, therefore, the record of his opinion was all the more satisfactory and valuable, as he had written his thoughts in the quiet of his own room—said, writing under the date of June 13, 1815—

> "Wilberforce made his Motion for leave to bring in a Bill for establishing a registry of slaves in the plantations. The Motion was opposed by several persons who have an interest in West India property. They said the attempt to carry such a measure was likely to produce very alarming consequences; that the British Parliament's right to legislate as to the internal concerns of the Colonies was disputed, and such an act as this could not but excite the greatest jealousy and alarm on their part; and they hinted that it might produce open resistance. Lord Castlereagh said he should not object to bringing in the Bill, if it were merely to be printed and suffered to stand over to the next Session. The right of the British Parliament to pass such a law could not be disputed; but it was very inexpedient to do it if the Colonial Legislatures could be prevailed on to pass such Acts themselves; and, in the hope that they would, he suggested the expediency of postponing the measure to another Session. This suggestion it was thought prudent to adopt, and Wilberforce said that if permission were given to bring in the Bill, he should merely bring it in, have it printed, and take no further step at present. A great deal has been gained by this debate. It is of great importance to put an end to the notion entertained, or at least professed by the planters, that their Colonial Legislatures have the sole and exclusive right to make laws to regulate their own internal concerns."

Again, on June 19, 1816, he said—

> "Much was not said in the course of the debate on the question of the right of the British Parliament to legislate with respect to the treatment of the slaves in the West India Islands. Something was said on it by Brougham and something by myself, but very little by any other Member. But, though I did not think it expedient to enlarge upon it, I own that I feel a great deal of indignation when I hear the colonists endeavouring to revive the political controversy which preceded the American war."

In addition to that authority he had implied in it the opinion of Mr. Wilberforce, which was certainly very valuable on such a subject; but now he would cite the express authority of Mr. Wilberforce himself, who, in his diary, writing under the date of May 3, 1816, said—

> "The same views I pressed on Lord Bathurst, who assured me that he had told the West Indians, frankly, he would next year pass a registry Bill if the Colonial Assembly would not do it."

That great and good man, just forty-eight hours before his sainted spirit fled for ever, exclaimed, that he felt thankful and happy that England had purchased the liberty of those unhappy slaves, even at the cost of

20,000,000*l*. He lived to see all his cherished hopes accomplished—all his best hopes realised; and it was one of the most affecting incidents of our history to look into the last scenes of his life, of whom it might well be said that he was—*Felix non vitæ tantum claritate sed etiam opportunitate mortis.* Here, also, he had the authority of his noble and learned Friend (Lord Brougham), whose greatest glory it was to have been associated with Romilly and Wilberforce in their efforts to improve the condition of the slave. The Colonies had made every effort to stave off those proposals and to neutralise their efforts; and their Lordships would recollect the Act by which the Colonial Legislature proposed to punish the murder of a slave—or rather to legalise it—by a fine of 18*l*., and the noble efforts by which that illustrious triumvirate forced an amendment of that measure; and the noble and learned Lord then exposed, as it deserved, the monstrous iniquity of pretending to make a law which was to punish the murder of a slave, by a provision that would absolutely neutralise its declared object. And so year after year these three men—with the addition of Mr. Buxton—struggled almost alone for the protection of the slaves,—contending for the right of the British Parliament to interfere in colonial affairs. This still continued to be recognised as the duty of the British Parliament and the people, by many Members of both Houses, and especially by that party in the Legislature which succeeded to the Government in 1832, and in 1833 introduced into Parliament the noblest enactment to which the assent of the Legislature was ever asked. When, in 1833, the question of slavery engaged the attention of the Home Government, and the British Parliament accomplished the most noble act of generosity ever performed by any legislative body, in voting a sum of 20,000,000*l*. as compensation to the slaveholders of the West Indies, the Jamaica House of Assembly sent a committee of its members to this country with a protest against the proceedings of the Imperial Parliament, which was read in the other House by Sir Richard Vyvyan. Their instructions ran as follows:—

> "They are to protest in the most decided manner against any interposition by Parliament in their internal affairs. The Assembly of Jamaica are always ready, on the invitation of the Crown, to discuss the measure of emancipation, compensation being first provided by Parliament, but they will not yield their legislative rights, except to violence, which their confidence in the justice of their fellow-subjects will not permit them to apprehend."

This document was officially signed by Richard Barrett, the Speaker of the House of Assembly of Jamaica. The noble Earl opposite, then Mr. Stanley, and Secretary of State for the Colonies, stated to the deputation most distinctly that it was the intention of Government to carry out the measures of Parliament, and—if possible, with the concurrence of the House of Assembly—to effect a complete extinction of slavery, and that such extinction must form the basis of any representation to which the Ministry could consent to yield. The deputation declared that they had no power to consent to, or authority to propose, any such plan. In a subsequent speech Mr. Stanley said—

> "It was in consequence of the vain efforts which had been made to induce the Colonial Assembly to act in accordance with the express wishes of Parliament and the country on the subject, that they felt it necessary to legislate upon the great leading principle embraced in the measure, leaving the local details, which could not be filled up here, to be filled up by the different local Legislatures. Without, then, refusing to the local Legislatures the settlement of that which properly belonged to them, when we had forced the great leading principles upon them, their last hope of preventing the freedom of the negroes would be removed. To them was left the filling up hereafter of the details of that great outline which we now feel it our duty to mark out for them at once and for ever."

Here, then, were instances of most marked and memorable interferences of the Legislature of this country with the local Legislature of Jamaica, and that interference approved of by the people. Was there anything more sacred in the local Legislature of Canada than in the local Legislature of Jamaica? The latter had existed for 200 years, and was really in such a state that it might be considered entitled to be intrusted with legislative power as far as possible. The first question to be looked to in considering the proceedings of the Colonial Legislature was, were they or were they not repugnant to the Act of Parliament of 1791? When that Act was made, the Colonial Legislature of Canada had full powers given to alter and amend its provisions to suit the circumstances of the colony. All that the spirit of the Act required was that there should be a *bonâ fide* provision for the support of the Protestant religion, "which," said the statute, "shall be maintained henceforth and for all time to come." And this was a principle the

Colonial Legislature were not to infringe. This was the ground on which he took his stand when he asserted the right of the Imperial Legislature to meddle with the acts of the local Legislature. He asserted, then, on the authority of Burke, of Romilly, of Wilberforce, of Brougham, of the noble Earl opposite, and finally of the Parliament of Great Britain itself in 1833, that the Imperial Legislature had a right to deal with all the acts of local and Colonial Legislatures. These were great names, but he would quote still another. In 1837 Lord John Russell brought in certain Resolutions [*see* 3 *Hansard*, xxxvii, xxxviii], the sixth of which was as follows:—

> "That the legal title of the American Land Company to the land holden by the said company by virtue of a grant from His Majesty, under the public seal of the said province, and to the privileges conferred on the said company by the Act for that purpose made in the fourth year of His Majesty's reign, ought to be maintained inviolate."

A right hon. Baronet who was now a Member of the Government (Sir Wiliam Molesworth) denied the right of Parliament to interfere with the Colonial Legislature, whereupon Sir G. Grey said—

> "The right hon. Baronet had denied the right of the House to interfere in the way proposed. How then had Parliament ventured to strike off the fetters of 800,000 slaves in the West India colonies?"

The right hon. Baronet was not the only one of Her Majesty's present Government who held those opinions; but he might refer to another, whom he should always honour, however he might differ from him. Mr. Gladstone, the Chancellor of the Exchequer, on the 10th of June, 1839, made use of the following words:—

> "He concurred with those who laid it down as a general principle regarding the control which the Imperial possessed over the Colonial Legislature, that that control was supreme. There could not be a shadow of doubt that Parliament had maintained and exercised that control. It was a matter not to be questioned that it formed part of the duty of Parliament to watch over, to correct, and to control the Legislatures of our West India colonies. He agreed, further, that as a general rule it was expedient, it was prudent, it was in accordance with equity and justice, that Parliament should leave the ordinary business of legislation to the Colonial Legislatures, and that Parliament, exercising a control over itself, should not permit itself to interfere or to meddle with affairs of everyday occurrence, but should rather reserve itself for great and worthy occasions." [3 *Hansard*, xlviii. 119.]

He did not mean to say that he had the same confidence in the authority of Mr. Gladstone as he had in that of those who had always maintained the same opinions on this question. He felt that the authority of that right hon. Gentleman was considerably damaged by such variance of opinion; he must therefore be content to receive him as a neutral. Let it not, however, be supposed that he charged the right hon. Gentleman, or those who had concurred in his former views, and who were now acting with him, with inconsistency. It would be unfair to expect that men, after the lapse of 14 years, should always continue to hold exactly the same opinions on any particular question. Nevertheless, seeing that there was this difference between the opinions they formerly entertained, and those which they now espoused, he was entitled to say that either they were wrong then and right now, or that they were right then and wrong now; and at all events they should have some consideration for those who could not come to the new conclusions so easily and rapidly as themselves. His right rev. Friend (the Bishop of Oxford) had, in a former discussion in that House, denied the right of the Imperial Parliament to exercise its authority in this matter, and had used arguments the effect of which was to strip the memory of his illustrious father of that renown which he had earned by his untiring labour in the cause of the oppressed slaves of our Colonies against the enactments of the local Legislatures. If his right rev. Friend's principle were sound, the name of William Wilberforce, who, through such unexampled toils, pains, disappointments, and mortifications had at length attained the one object for which he lived, instead of being revered as the great and holy champion of the negro's rights, ought rather to be stigmatised as the oppressor of the planter. He (the Bishop of Exeter) had on a former occasion frankly and candidly stated his views, both in reference to the Act of 1840 and the Bill now introduced, and for so doing a right hon. Baronet a Member of the Government had taken upon himself to style him in the other House of Parliament "a pest to his diocese," by reason of his great legal lore. Now, he really did not pretend to any great legal lore, though he should most heartily rejoice to possess it. Be this as it may—let the right hon. Baronet assail him, if he pleased, for his legal lore. He was sorry to say that he could not recriminate; on the contrary, he must frankly admit that the right hon. Baronet had showed himself as innocent of all knowledge on this subject as the merest child. He would not bandy invectives with this Ministerial personage; but he would give their Lordships one instance by which they might judge of the wisdom as well as of the learning of which he was possessed. The right hon. Gentleman had told the House of Commons that "the law of England abhorred perpetuity, and had always looked upon every measure that had a tendency that way with hostile eyes." Now, in commenting on this position, he would not refer to any recondite authority—to Bracton, for instance, no, nor even to Coke, or Hobart, or Vaughan. He would content himself with referring to an authority, which was on the shelves of every Englishman who possessed a library, and was familiar to every tolerably well-educated gentleman in the land. He would refer to *Blackstone* as an authority on this subject, who said, "A third attribute of the King's Majesty is his perpetuity. The King never dies." Such is the abhorrence of perpetuity of the law of England. Blackstone afterwards says, "The law had wisely ordained that the parson, *quatenus* parson, shall never die, any more than the King, and that the present incumbent and his predecessors who lived seven centuries ago were in law one and the same person, and what was given to the one was given to the other also." So much for this precious maxim of our laws—abhorrence of the perpetuity of Church endowments. But what did the right hon. Baronet think of corporations? Was not the very essence of a corporation perpetuity? at least it had been so held by every juridical or philosophical writer from the compilers of the *Pandects* down to this day. Let the right hon. Baronet get out of that difficulty if he could. But it should be remembered that this opinion of the right hon. Baronet was not given privately, but was expressed in the presence of other Ministers of the Crown; and yet not one of that right hon. Gentleman's Colleagues thought fit to rise and repudiate such a monstrous doctrine. It appeared in these days that Conservative progress and Radicalism, if not identical, were closely and intimately allied. Who would have expected to see this alliance so portentously illustrated, when, at the beginning of last December, the noble Earl (the Earl of Aberdeen)—whom he cordially believed to be the soul of honour, who never yet uttered a word which he did not conceive to be truth, or give expression to a principle which he did not feel—being called upon to state the principle of the Government he was engaged in forming, said it might be defined, in one word, to be that of Conservative progress? Surely we had advanced a pretty long way when we had got to the destruction of religion in our Colonies; for he said we had got to the point of destroying the provision for religion in the Canadian Colonies, if the noble Earl's plans were to be adopted by the House. The noble Earl said that endowments were quite a different thing from religion. He (the Bishop of Exeter) entirely agreed with him; but though different things, they were to be combined, so that one should assist the other. He begged to commend to the noble Earl's consideration the authority which declared that "Kings were to be the nursing fathers of the Church, and Queens its nursing mothers." He said the dictates of that divine authority clearly pointed out that it was a duty incumbent on every State to sustain religion by endowment, or by temporal provision. They knew that men could not do without such temporal provision. The aristocracy of this country could not be maintained without their broad lands; and the Church must have its modicum of support, or it could not proceed in the discharge of its spiritual functions. The noble Earl assented to that; and, in assenting to that, he did no more than declare his assent to the principle of the British constitution; for it was a fundamental principle of the constitution that the Church should be an established and endowed Church in this country. The compact between the Sovereign and the people, expressed in the coronation oath, bound the Sovereign to maintain the endowments of the true religion, not only in England and Scotland, but also in the territories thereunto belonging. Were they to be told, then, that religion and endowments were not only not the same, but entirely disconnected? He did not mean to say that no religion could exist without endowments, but he did say that, according to the ordinances of Providence, no religion could be effectively maintained in any country without a proper provision for its ministers. He should not scruple to avow the conviction he deeply and earnestly felt, that if their Lordships passed this Bill, they would, not by themselves but by others, be guilty of sacrilege, and sacrilege was one of those sins, not only most awful in its offence against God, but most awful in its results to the individual or the nation who committed it. He entreated their Lordships to bear in mind the terrible end of that Assyrian tyrant who dared to use the sacred vessels he had taken from the temple of Jerusalem for his impious revelries. It was in a hall gorgeous as their own, and in the proudest hour of his royal grandeur, when he was feasting with a thousand of his nobles, that words were seen on the wall, written by an unearthly hand, which told him that he had been weighed in the balance and found wanting—that his kingdom had passed away from him; and on that very night the fairest and greatest monarchy in the world ceased to exist. The right rev. Prelate concluded by moving, as an Amendment, that the Bill be read a second time that day six months.

Amendment *moved*, to leave out "now," and insert "this day Six Months."

Lord LYTTELTON said: This question is so important with reference to those principles of colonial freedom which I have occasionally ventured to advocate in this House, that I hope to be excused for addressing your Lordships. I conceive that the question for us is to be decided on those principles alone. Whether these clergy reserves are, or were, in themselves a good thing, is a question which, certainly not being a Canadian, I would not presume to decide positively; but as well as I can judge, I should be disposed to answer it in the affirmative. That they in a great measure disappointed the intentions of those who established them, is quite true. What those intentions were, is by no means so clear as may perhaps be supposed by those of your Lordships who have not happened to look at the imperfect records of the debates of 1791. But whatever they were, it is certain they were, to a great extent, disappointed. That, however, I should attribute to mismanagement and error. Land appropriations, especially for religious purposes, after the example of all European countries, have been made in several of our colonies. In the colony with which I am myself connected—in several of the Australasian colonies—in the West Indies, and in others, such appropriations have been made, not without success. I would not go further than this. I do not say that they are necessarily the best system. It is for the governing body to decide whether they shall maintain the institutions of religion in that or in some other manner. Whether the governing body shall abstain altogether from making any such provision, is another question. I have no hesitation in saying that a governing body does not do its duty which does not see to the maintenance of the ministers and the offices of religion. But the question here is, what is the governing body? Now I would first consider this question in the general and abstract way, without adverting to the circumstances which are supposed to fetter the discretion of Parliament in dealing with the matter. When we say that this is a point which, as being entirely local, is not for us, but for the Canadian Legislature, to decide, we are told that, if so, we had as well give over everything to them, and leave the connexion of Canada with England as that of Hanover was till a recent period. This view proceeds upon an entire neglect of that great principle which I am not aware that the noble Earl (the Earl of Derby) has ever admitted—which I know the noble Earl below (Earl Grey) always combated—but which the right hon. Gentleman (Sir J. Pakington) admitted in theory, in his recent despatch to the Australian colonies, while accompanying it with doubts, which I believe to be unfounded, as to its practicability—which has been allowed, though, I confess, in rather too cold and reserved a manner to please me, by the present Under Secretary for the Colonies—which has been set forth more ably and fully than by any one else by the present Chief Commissioner of Woods—and which I hope to hear enunciated on a fitting opportunity by my noble Friend (the Duke of Newcastle)—namely, that it is possible, once for all, to discriminate between subjects of imperial and of local interest. I am not going into that general subject. But this I say, that no such division ever could be made by any one, that would not include the question of religious endowments among subjects strictly local; and if, as such, it is a matter for the local Legislature to decide, it is one which not only they should be allowed, but which they should be called upon, to decide. I say this because I observe that in a despatch of Lord Glenelg's it is said that in case of the Canadian Parliament desiring that the question should be settled at home, there would be no objection to its being so. I am not so sure of that. The objection would no doubt be diminished; but on the whole I should be inclined rather to agree with Lord Durham and with the several Secretaries of State to whom my noble Friend (the Duke of Newcastle) has referred, that Parliament ought to have declined to undertake to settle the matter. According to this, I should say that the Act of 1791 was wrong in this respect; and I should say the same of the Act of 1840, though, no doubt, after the strong expressions of Lord Sydenham, and other Governors of Canada, and the entreaties of the Canadian Legislature, that Parliament would settle the matter instead of themselves, it was at least an excusable error. That such questions were left to the colonies in the early days of our colonial empire, is quite certain. I suppose that if ever there was a time when the Church of England at home was in a palmy state, and most guarded with exclusive rights and privileges, it was in the time of James I., the early days of Charles I., and Charles II.; and yet in those very days, Maryland was given over to the Roman Catholics, Pennsylvania to the Quakers, New England to the Puritans, and, somewhat later, I regret to say, New York to no religion at all, as far as public provisions were concerned. This appears to me the general case for the Bill. The Colonial Legislature may do wrong in such a matter; but Parliament does not undertake simply to prevent their doing wrong, but their doing wrong only within certain limits, within which this case does not fall. I will now advert to some objections taken, not from the history of the case, but from the nature of the case. The awful word sacrilege is used; and so awful a thing that is, that I would not lightly say—I would not deny, but I would not lightly say—that in case of a Colonial Legislature proposing to do, or doing, what could be clearly and irrefragably shown to be a sacrilegious act, it might not be the duty of Parliament to interfere, having the power to do so. But I am prepared to contend that the alienation of Church lands is not necessarily sacrilege, but is to be decided to be so or not according to circumstances, and by the discretion of the governing body. A legitimate instrument in reasoning is the putting of an extreme case; and if it is so when the extreme case is only a possible one, I presume it is still more so when it is one which has actually happened. I will take the case of this country. According to the most learned authorities, there was a time when of the whole soil of England not less than one-fourth — according to one of the most learned of them, Sir H. Spelman, I believe it is said that nearly one-half—six-thirteenths I have seen it reckoned—was Church land. I say nothing of the manner in which that land may have been alienated; but is it possible for any one to contend that the whole of it was for ever to remain so appropriated, under the awful penalties denounced by the right rev. Prelate? I can quote a still higher authority—one to which all your Lordships will defer, and especially the right rev. Bench—that of Bishop Butler. Bishop Butler was once consulted by a scrupulous-minded owner of alienated tithes—a kind of property to which some at least of your Lordships will not readily admit that the guilt of sacrilege necessarily attaches. It is evident that the case of tithes is the strongest that could be named; and as to this, too, Bishop Butler stated his opinion to be that they could not be held essentially inalienable, but must follow the discretion of the governing power, and the course of law. Well, we are referred to the coronation oath. The words of that oath are to this effect, that the Sovereign shall maintain all the rights and privileges of the bishops and clergy which they now have, or shall have, by law. These are very large words. I shall content myself with observing that if they are to be held to mean that no part shall be touched of the temporalities of the clergy in any part of the Empire—and this is a question not of degree, but of principle—they prove a great deal too much. What has happened in another colony—South Australia? There, as in this case, there was a legal provision for the clergy which the local Legislature could not touch, and Parliament had reserved to its own control. Parliament gave up this power, and the first use which the South Australian Assembly made of its liberty was to sweep away all religious endowments whatever, and fall back on the voluntary principle. I regret this; and I may observe, in passing, that, like almost every one else, I hope that the Canadian Parliament will preserve these appropriations. It is only for the sake of argument that I assume that they may secularise them, as the extreme case, which, of course, any lesser case would follow in the way of inference. I say we may disapprove of what South Australia did; but I never heard any one say that the coronation oath would compel its disallowance, or any other obligation on this country such as has been referred to. Now, to advert to these more prominent objections to this Bill, relating to the history of the case; and, first, to that which is undoubtedly the weakest of them all, that the Act of 1840 was a final measure.

I must say that this objection appears to me to proceed upon as great a confusion of thought as can be imagined. How is it possible that the essence of an Act of Parliament can be that it should be final? The Act itself says nothing about its being final, except in its preamble, which recites that it is desirable that the question should be finally settled. Could any rational being doubt that for a moment? But that indicates nothing but the wishes and intentions of its framers. No Act can be final in the sense here contended for. We may speak of the Act of Settlement, of the Roman Catholic Relief Act, or other great statutes of that kind, as final measures; but that is because we are looking back upon them—and the course of events has proved them to be so—as having been accepted by the country. In this case the Act was not a final one, because it has failed to prove so—because it has not been accepted as such by those whom it concerned. A doubt is thrown over this question by the peculiar way in which it is said that the faith of the Crown, or of Parliament, or of the country, is pledged to the maintenance of those appropriations; and I am willing to admit that this is the only colourable plea for opposition to this Bill. But I conceive that it, too, is founded on a fallacy—the fallacy of supposing that public faith can be pledged to an institution as it can be to individuals. No one doubts the latter case, or that that faith should be maintained at all hazards. But the distinction is one which has always been held. Public measures are passed, and the vested rights of individuals, and of them only, are always provided for. The present is a similar case; and the case of the Australian Church Acts, to one of which I have already referred, is, in principle, quite the same. Then we are threatened with certain consequences. It is said that this measure will endanger the principle of all religious endowments, in this country and elsewhere. Ireland, I apprehend, is at the bottom of many of the fears and forebodings on this question. Now, the question ought not to be complicated by the importation into it of remote and uncertain possibilities like this. Strictly speaking, the case does not arise; for I have denied that the Imperial Parliament would itself be the agent in this matter, as being out of its proper sphere. But, besides, the two instances are quite different. The ground of this Bill is, that the sense of the people of Canada, expressed through their legitimate organ, may be opposed to religious endowments. In this country the great majority of the people are in favour of such endowments, and upon that they rest; and we may be very sure that if ever the sense of the people becomes opposed to them, it will be a very vain attempt to try to maintain them. We are appealed to on behalf of the churchmen of Canada. I, for one, refuse for a moment to listen to that appeal. Who are these churchmen of Canada? As setting themselves against their fellow-colonists on a question of internal policy, and which is to be decided by their collective voice, we do not know who they are. As an individual, I know them well; and I believe that in all our colonies the members of our Church are as the salt of the land, and to them I look far more than to all others for the perpetuation of our institutions throughout our Empire. But as a Member of Parliament, and for the present purpose, I do not know them. Still less can I admit the appeal, which, to me, I must say, is an offensive one, urged by those who call themselves the loyal party in Canada. No party has a right so to address us, as distinguishing themselves from their fellow-subjects. The colony, as a whole, has a right to look to England for protection, for acts of grace, and of munificence; and I recognise no other organ by which it can address us, but the legitimate constitutional one which we have given to it. My Lords, these colonies are bound to us by the strongest, and at the same time, if I may so speak, the most sensitive bonds of affection and of pride. Not, indeed, a little—a great deal would be required to destroy those bonds; but a little will impair and weaken them, as a very little, a very few words, will strengthen them, and draw them closer. I was told the other day, and I heard it with the greatest interest and pleasure, by an hon. Member of the other House of Parliament, that, in an interview he had with some leading Canadians, he used the very simple expression, in speaking of our North American provinces, "the Transatlantic portion of the British Empire;" but he told me that the expression, simple as it is, was dwelt upon again and again by those men with the greatest delight, on account of their hearty recognition of their equal rights as our fellow-subjects. Upon this principle our early colonies were founded. Unhappily, this country did not long adhere to it; but the charters of those colonies are an imperishable record of the principles of their first foundation. We lost the best portion of them because we abandoned those principles. Almost within the memory of all of us those principles have been revived and acted on, in some good measure, with the happiest results. The opposition to this Bill invites us to a signal act of retrogression in that course, in the case of the most flourishing, the most free, the most attached of our colonies. I have no fear that this, any more than the other House of Parliament, will countenance that opposition.

LORD ST. LEONARDS said, that the House should first ascertain how the question of these clergy reserves really stood. The Bill before them insisted upon what was directly contrary to law and practice. Both on its introduction and on its third reading in the other House, the Under Secretary of State had overlooked that fact; and so also had the right hon. Gentleman the Chief Commissioner of Woods and Works, who was more conversant with the details of colonial policy than the arrangement made by the Statute law with regard to those reserves. The first Act relating to those ecclesiastical endowments was dated so far back as 1774. That Act provided that the Roman Catholics of Canada might exercise the rites of the Romish religion, and declared that their church should retain all its revenues, that is to say, their tithes, and to receive their accustomed dues so far as they were in the hands of Roman Catholics, and except in so far as those tithes were payable by the Protestant occupiers of the land. The same Act provided that the rest of those tithes, that is, the portion of them arising out of lands in Protestant hands, should be at the disposition of the Crown for the benefit of the Protestant clergy. There it stood; and since that time the rights of the Roman Catholic clergy had never been disturbed. In 1775 and in later years the Crown issued instructions by way of letter to the Governors of those colonies directing them to dispose of the lands—they would not permit the Roman Catholics to receive the tithes of lands occupied by Protestants—and these lands were to be appropriated for the maintenance of the clergy of the Established Church within the lower Province; that was complied with, and so the matter stood till the Constitutional Act of 1791, and that their Lordships knew was intended as a great constitutional settlement. It failed because the colony had not shown a disposition to receive a constitution like that country. That Act did not justify the statement of the noble Duke (the Duke of Newcastle) and his Colleagues: it simply recited the Act of 1774, and the letters issued by the Crown, and then directed that, as regarded the tithes, the subject of that Act, they should be liable, subject to that Act of Parliament, and subject to the letters, to be dealt with by the Governor in Council, and with the assent of the Crown, under the restrictions thereinafter contained. It then proceeded to recite the message from the Crown, stating the desire of the Crown to form a perpetual fund or provision for the Protestant clergy of the province. In order to provide that fund, it gave power to the Crown, that in respect of such allotments there should be an appropriation of one-seventh, and that as regarded all future allotments there should also be one-seventh set aside to be called the clergy reserves. The effect of that was a power given to the Crown to make this a perpetual provision—out of what? Out of the Crown's own land—out of the Crown's own revenues—not the property of any man or body of men, but property which by law, by right, and by the constitution, belonged as fully to the Crown as the property of any Peer of that House belonged to him. In no other way could the colony acquire that right except by a grant from the Crown. Could there be a wiser thing if it were right at all to provide for religion, than that the Crown, out of its own domains, should make that grant? Undoubtedly, as the plan was subsequently carried out, it was a bad one, and from that had arisen all the difficulties that had ensued, and which had made the question the burden and the pest of the country. The reservation of the land had had a bad effect, wherever the country had been allotted and brought into cultivation—the reserve land remained a waste, a bar to every improvement, and a burden to the country:—it was not saleable, and the clergy had no means of cultivating it. The Constitutional Act provided for the creation of rectories, and some forty were established of little value—not more than 39*l.* each on an average—and although great efforts had been made to get rid of them these efforts had hitherto failed. The House should now consider how the case stood under the Act of 1791 as to the power of the Crown, as to the power of the clergy, and as to the power of the Imperial Parliament. The Act of 1791, by Section 41, gave to the colony—the Governor and

Council and Assembly—with the assent of the Crown—the power of repealing or altering the provisions then made respecting the clergy reserves and the erection of rectories, but "under the restrictions thereinafter provided." The noble Duke (the Duke of Newcastle), and others who took his view, omitted to go on and look into these restrictions. There was this provision in Section 42, that if any Bill should pass the Canadian Legislature which should affect the Act of 1774, or the tithes, or the clergy reserves, or the rectories, or the ecclesiastical establishment, or its rights, the consent of the Crown should not be given by the Governor, but the Canadian Legislature should present to him an address praying him to send the Bill to this country to be laid before the Imperial Parliament, and the Imperial Parliament might exercise its discretion upon the matter. Section 42, therefore, gave to either House of Parliament not only the control over the Colonial Legislature, but over the Crown; it was a veto upon the power of the Crown. So important was it thought by our ancestors to preserve the religious establishment, that they would not give the Crown the power of making any alteration in these endowments. Could any other safeguards have been devised than those which were adopted? and were all these to go for nothing? His (Lord St. Leonards') object had been to show how the matter then stood, and to contradict the statements that, under the Act of 1791, the Colonial Legislature had the power of dealing with these reserves. Now, it was said that if Parliament passed the Bill now before it, it would place the Protestant clergy on the same footing with the Roman Catholic: that he entirely denied. And what had been done under the Act of 1791? The Crown desiring the establishment and support of that religion and that Church, the existence of which in Canada some now seemed disposed to deny, proceeded to create the Canadas into a diocese, and bring them in communication with the archiepiscopal see of Canterbury; and the letters patent expressly referred to the clergy reserves, and based upon them the foundation of the see of Quebec. He had told their Lordships how the matter stood as regarded the tithes of the Roman Catholic and the Protestant Churches. The Roman Catholics had never been disturbed in their rights; but in 1823 the Provincial Legislature, upon the ground of provision having been made by the clergy reserves for the Protestant clergy, abolished the tithes as far as they were concerned, taking advantage of the provision which Parliament was now asked to place at the mercy of that Legislature. The Act of 1791 did not attempt to stop legislation; there was no attempt at finality—no attempt to say "this shall remain for ever;" but, legislation being allowed, certain checks were provided against the abuse of that power, so as to preserve the clergy reserves at all times as a provision for the Protestant clergy. But it was found that there was inconvenience arising from the dispersed state of the reserves, and the impediments to agricultural processes and improvements, and an Act of Parliament was passed in 1827 giving power to the Crown to direct a sale of the reserves, directing that a proportion of one-fourth of the proceeds should be applied to the improvement of the remaining portion, or wholly for the purposes for which the original reserves were appropriated, and for no other use, or intent, or purpose whatsoever. If the recognition of the Colonies, if the sanction of the Imperial Parliament, if the power of the Crown, and the consent of the Crown were to be of any avail, how could any title stand more secure? If it were the title of a private individual, and not of the Church, it would be felt to be so monstrous a violation of right that no man in that House would endure that it should be questioned. It might be all very well now to proceed to strip the victim, but the appropriation of the spoils, he would venture to say, would be a more troublesome task; and he was satisfied that if the Bill passed, it would create more difficulty, and dissension, and animosity in the Colony, than almost any other measure that could be framed. In 1839 the Colonial Legislature passed a Bill in order to clear up doubts as to the disposition of the clergy reserves; they then vested them in the Crown, and absolutely discharged the Colony from all trust and responsibility beyond the general purposes of public worship and the spread of Christian knowledge. At that time the Canadian Legislature, so far from desiring to have a control over the funds, resolved to place their disposition in the hands of the Crown. The Crown refused to accept the disposition of those funds; Lord John Russell intimating his opinion that it was not within the Constitutional Act to do so. The Act, therefore, fell to the ground. In 1840 another Bill was passed by the Canadian Parliament, authorising the sale of all the Canadian reserves, and appropriating one-fourth to the Protestant clergy, one-fourth to the Scotch Church, and the rest to the other Christian denominations. The question then arose whether the Canadian Government, even with the assent of the Crown, had the power of passing that measure. This point was submitted to the Judges, who pronounced that they had not; and that they had assumed a right over the reserves which they did not, in fact, possess; and, in his opinion, the decision pronounced by the Judges was strictly conformable with the law and the constitution. Now, if ever there was a compact entered into by any nation to preserve the property of a Church, it was the compact of the year 1840 which followed. There was an anxiety to meet the wishes of the Canadian Legislature, which was not then to be pacified except by a sacrifice of part of the rights of the Church. The then Archbishop of Canterbury was a party to the arrangement, and all the great men of the day were called in; and they agreed at last to carry a measure as nearly as the law laid down by the Judges would permit, which should meet the view of the Canadian Parliament; and upon the consent of the Church, given by the Archbishop, an Act was passed. What followed? It was anticipated that, the proceeds being so small, there might not be enough derived from the reserves to provide even the most moderate stipends for the clergy. The Consolidated Fund was, therefore, pledged by the Imperial Parliament as a guarantee to make good to an amount specified what the clergy reserves to be allotted to the English and Scottish Churches might at any time fall short of. Could the Canadians say that was not a benefit—to put an end to a controversy, and have an absolute provision for the clergy of the two Churches there? If a third party came in, as the Imperial Parliament did, and gave such a guarantee, could it be said this was not a compact binding upon all parties? The Act of 1840 began with the Act of Union, which repealed all the provisions of former Acts of Parliament relating to the Governor and Council; but the parts which were repealed in no respect affected the reserves of the clergy. It then went on to provide how new laws should be made, and in what manner the Royal assent should be given to those laws; and Section 42 of that Act happened, singularly enough, to contain the very thing which the 42nd section of the Constitutional Act of 1791 contained. It was to the effect that in case any Bill were passed by the Canadian Legislature touching the Roman Catholic tithes or the Protestant clergy reserves, or anything relating to ecclesiastical establishments, the Royal assent should not be given to the Bill until it had lain on the tables of the two Houses of the Imperial Parliament for thirty days; and if either House refused its concurrence in the measure, and addressed the Crown upon the subject, the Crown was restrained from giving its assent thereto. The fact was, therefore, that the power still remained with the Imperial Parliament to stop altogether the action of the Canadian Legislature in dealing with these reserves. The noble Duke had told their Lordships that at present they were maintaining a law which provided for Roman Catholic establishments. But it was no such thing. The Act of 1840 simply provided that, out of the reserves to be sold under the Act of 1827, the obligations of the Crown to any religious denominations should be performed in the first instance. Well, it turned out that one of these obligations was an annual payment of 1,600*l.* to the Roman Catholic clergy in Canada, in consequence (said the noble Duke) of their having lost some tithes; but they had lost no tithes, so far as he (Lord St. Leonards) was aware of, except those which they did not gain by the Act of 1774; and that Act gave them all the tithes of their co-religionists, but not of the lands occupied by Protestants. The noble Duke had said that chap. 78 had no connexion with the Act of Union; but that was not so. They were two parts of the same transaction. Now, the Act directed the reserves to be sold, and it made this distinction in consequence of the opinion of the Judges that the reserves sold or to be sold under the Act of 1827 should go thus: two-thirds to the Protestant clergy and one-third to the Scotch Presbyterian Church; but as to the rest, to be sold under the Act of 1840, the Church of England was to take two-sixths, the Church of Scotland one-sixth, the remaining half to go for purposes of public worship and religious instruction, according to the discretion of the Governor in Council. While defending the interests of the Protestant clergy, he would strenuously oppose any attempt to destroy the rights of the Roman Catholics. The Under Secretary for the Colonies, in the other House, intimated that the Government was not indisposed to get rid of the 44th section of the Act of 1840, which was as much to say, " While we are prepared to destroy the rights of the Protestants, we are equally ready to destroy those of the Roman Catholics." Now, he ventured to think that the Government would not dare to take this course—first, because it was wrong; and, secondly, because the Roman Catholics would not submit to it. The noble Duke had said over and over again that this Bill would place the Protestant clergy on exactly the same footing as that on which the Roman Catholic clergy now stood. That was a gross mistake. Pass this Bill and you empowered the Canadian Legislature at once to deprive the Protestant clergy of their property; but it could not deprive the Roman Catholic clergy of their property without sending a Bill over to this country for that purpose, which must lie on the tables of Parliament for thirty days, and might be disallowed by the Crown at any moment within that period. Would their Lordships sit quietly by and see the rights of the Protestant clergy destroyed, while those of the Roman Catholics were preserved? Would such conduct be becoming in a Protestant Legislature? He perfectly understood the propriety of maintaining the rights of the Roman Catholics; but whilst he was ready to maintain those rights, he was equally prepared to maintain the Protestant clergy in their rights. Let it be remembered that, by the Act of Union of the two provinces, the Roman Catholics were enabled to vote upon the question of these Protestant clergy reserves; and that, by their means, a measure had been passed by means of their votes for committing the property of the Protestant clergy to the care and protection of the Canadian Parliament. Now, after the taste of the first fruits which would have been acquired by the destruction of the Protestant clergy reserves, and an end was put to the payment of tithes to the Protestant clergy, did they suppose that the Canadian Legislature would be long before they helped themselves to the Roman Catholic tithes, and the Roman Catholic endowments as well? In the course of the discussion respecting this measure, much had been said about finality. As regarded human affairs, generally speaking, he could not understand the applicability of the word; but this, at least, was certain, that men who entered into a contract were bound to adhere to it. The law might reverse it, but no one who was a party to it could do so without violating the principles of morality. If human arrangements were not to be binding to this extent, what was the use of laws, and what security could there be for property? If ever property was settled finally for a particular purpose, it was the clergy reserves. He must say he had listened with astonishment to the argument which had been addressed to them that night, to the effect that as the Act of 1840 had taken a portion of the property from those to whom it belonged, and given it to others to whom it did not belong, therefore it was a mere question of degree; why not then proceed to take a little more? According to that argument there could be no such thing in the world as a compromise of rights; because all compromises of rights rested upon this basis—that each party to the arrangement gave up something for the sake of quietness and peace, and for establishing and securing future rights; but what could be thought of the morality of those who, having persuaded a person to surrender a part of his rights, should then turn round upon him, and found upon that circumstance a claim to the whole? It had been admitted by a Committee of the Colonial Legislature in 1846 that the Act of Union was intended to be a final settlement of the question, and had been accepted by the Canadian Parliament as such. That the Imperial Legislature might repeal the Act of Union if they pleased, there was no doubt whatever. Nobody disputed their power; but would it be just to exercise that power? On a former occasion he had heard a right rev. Prelate speak of the necessity of giving the Canadian Legislature control over this property as a matter of right and justice. The clergy reserves belonged to them as much as they did to the Canadian Legislature. The property was settled; it never was the property of the Legislature of Canada. If their right followed from the free constitution which was given to them, why was not the right transferred to them when that constitution was granted? He should deeply regret the separation of the colony and the mother country, which had been hinted at; but if the Imperial Parliament yielded up the rights of which they were the sacred repositories, they might depend upon it that the respect entertained for the mother country would cease; and that, instead of more firmly securing the union, they would take the most effectual means of terminating it. One would think, from all that had been said in support of the Bill, that its opponents were interfering with the right of the Colonial Legislature. But what was the fact? Why, that the right was not in the Parliament of Canada. The property, he repeated, was settled, and belonged as much to the Protestant clergy of Canada as his (Lord St. Leonards') house did to him. Let not their Lordships be misled by the idea that they were only dealing with the property of a small class. They might rely upon it that the rights of property must be preserved universally, or not at all. The noble Duke had stated that the Act of 1840 withdrew the clergy reserves from the operation of the Constitutional Act of 1791, and that the opinion of the Government was, that they ought to be restored. Restored! What could the noble Duke mean by that? The Act of 1791, as regarded the clergy reserves, was not a Canadian Act, and the question was simply, whether they should now repeal an Act of the Imperial Parliament, and give the clergy reserves to the Parliament of Canada; not whether they should restore to the Canadians a right which they never possessed, but whether they should now take the property of the Church and transfer it to the Canadian Legislature. It was notorious that the Canadian Legislature meant to secularise this property. The right rev. Prelate said on a former evening that he would not be a party to an act of spoliation; but why did he propose to transfer to another hand the power of doing that which he shrank from himself? In conclusion, he called upon their Lordships to reject a measure which violated the principles of justice and morality, and set a precedent for subverting the rights of property, of which there are many persons in this country who would not be slow to avail themselves; but, on the contrary, to protect the rights of the Protestant clergy in Canada, and prevent the passing of a measure which was, in truth, nothing else than an act of spoliation.

The Bishop of NORWICH was understood to say that he intended to vote for the Bill, because he regarded it as the fulfilment of the pledge which had been made by the British Legislature to the Legislature of Canada, as to the policy they considered it right to pursue with respect to colonial government—namely, that the colonies should be allowed to regulate their own internal affairs. His main reason, however, for supporting the measure was, because he believed he was thereby-best serving the interests of the Church in Canada, though he regretted that, in coming to that conclusion, he was altogether separating himself from several of his right rev. Brethren, as well as from many other friends of the Canadian clergy, who believed that he was adopting a course most adverse to the true welfare of the Church. Should the measure pass, what may be the result on the Church in Canada must be left to the Canadian Legislature. They, not the British Parliament, would be responsible. The proper course was, for their Lordships to discharge what they believed to be their duty, and to leave to the Canadian Parliament to discharge theirs. It had been assumed as certain that, if this measure passed, the Canadian Legislature would alienate the clergy reserves; but he thought the evidence was not sufficiently strong that they should possitively assert this. What is said is, that the Roman Catholic members of that Legislature, who had undoubtedly acquired great influence in it since the union of the two Canadas, would use that influence to procure the secularisation of the Canada reserves. This is strongly put forth in a letter written by a right rev. Prelate (the Bishop of Toronto), whose local position as a Bishop of the Church in Canada gave weight to his views on the subject. But the right rev. Prelate, in that same letter, supplies an argument against his view. His words are—"The day would speedily arrive when the same measure would be meted out to the Roman Catholics, when their property would be disposed of in a similar way." There can be no doubt that the secularisation of the Canada reserves would be contrary to the interest of the Roman Catholic Church. If the Roman Catholics of Canada should use their power to secularise the endowments of the Protestant Church, they could not look forward to their Lordships putting a veto upon any measure which might be passed in accordance with the precedent, for secularising the endowments of their own Church. But he did not believe the Canadian Parliament would commit so unjustifiable an act as secularising the Protestant clergy reserves. We must look, too, to the probable effect on Canada of refusing this measure. The Canadas were in so advanced a state that some time since there was a talk of a movement for annexation or independence; a sentiment of loyalty, however, existed in the colony, which was a surety for the continuance of the connexion for some time, at all events, with this country. But their Lordships could not ignore what had taken place; and although this measure, if it did not pass, might not exactly be a *casus belli*, yet its rejection would cause considerable exasperation between Canada and the mother country. And here it was necessary to refer to that part of the Bishop of Toronto's letter in which he said, that, in passing this Bill they were "disgusting the loyal and Conservative party in Canada." But he (the Bishop of Norwich) would wish to know how would the adoption of the contrary course operate upon that portion of the Canadian community which was not held to be so loyal and so Conservative? What would be the consequence to the Church, supposing that a contest was entered upon between the colony and the mother country? What would be the result if, after a time, the Colonial Legislature should have the disposal of these reserves, either by the concessions of the Imperial Parliament, or from other circumstances? The result would, of course, be, that they would exercise their power in a spirit of hostility to the Church, which did not now exist. Having adverted to the possibility of Canada becoming one day independent, he, for one, could not look forward to that event as being necessarily a calamity. He believed, on the contrary, that the wisest policy which this country could pursue towards her colonies was to recognise this prospect, and to deal with them as if they would one day naturally become separate and independent nations. It was not sufficient that we should give our colonies the same laws and the same institutions, civil and ecclesiastical, that we ourselves possessed. We were bound to do more, and gradually to accustom them to control themselves, to legislate for themselves, and to adapt the laws and institutions which they derive from us to their growing and changing wants. But, whether the separation of Canada from the mother country was calamitous or not, he would ask how would the Church gain in case their Lordships exasperated the Legislature of Canada against it by the rejection of the Bill? He had always considered that it was from the original legislation upon this subject that all the mischief and inconvenience attendant on the measure had proceeded. And without meaning to say that the intentions of the framers of the Act of 1791 were not founded in wisdom, still he was bound to say that the measure had been carried out in a manner so mischievous to the colony and to the Church, that, whether the reserves were ultimately to be alienated or not, the Church of Canada would be in a worse position than if the reserves had never been granted. While, then, he admitted the justice of handing over these reserves to the disposal of the Canadian Legislature, he believed that it would be both unwise as well as unjust on the part of that body to proceed to their secularisation; but should they do so, he maintained that though the Church of Canada might not have a legal claim, it certainly would have an equitable claim for compensation upon the Legislature of this country. Upon these grounds, he should give his vote in favour of the Bill now before their Lordships' House.

The EARL of DERBY: My Lords, I should recommend the right rev. Prelate, who has just sat down, to dismiss altogether from his consideration the last topic which he has urged upon your Lordships, and on which he seems not a little disposed to rest the vindication of the vote which he is about to give—a vote calculated, as some of your Lordships earnestly believe, to strip the Church in Canada of its possessions. If the right rev. Prelate imagines that Her Majesty's Government could hold themselves bound to grant an equitable compensation to the Church in Canada—or that the Church in Canada would have a claim upon Her Majesty's Government for any such redress, in consequence of losses arising from the passing of this Bill, then I say, my Lords, that the prudent course for the right rev. Prelate, before giving his vote in furtherance of this Bill, would be to ascertain from Her Majesty's Government—which I suppose he might easily do—how far they will be disposed to answer the sanguine expectations which he has formed of their willingness to grant compensation for any injustice that may be sustained by the Church in Canada from the passing of this measure. And, my Lords, I feel quite sure that the right rev. Prelate's own sense of justice would quite satisfy him, in the event of that answer being of a negative character, that it would be quite impossible in him to reconcile his vote of to-night with a due regard to his conscientious feelings—a vote recorded with the perfect conviction that, though the Bill would entitle parties to an equitable compensation, there was no chance of an equitable compensation being obtained. My Lords, I do not rise for the purpose of protracting this discussion; for, so far as the argument against the injustice—against the very nature and character—of the Bill as it has been presented to us by Her Majesty's Government is concerned, the able and the powerful speech of my noble and learned Friend (Lord St. Leonards), has so completely exhausted the subject, that it must have carried conviction to every Member of your Lordships' House, so much so, that I feel any attempt on my part to expatiate on his argument would only weaken its effect. My Lords, my noble and learned Friend has demonstrated beyond the possibility of dispute or cavil that the property, with regard to which we are now about to legislate, never was for one single moment at the disposal of the Canadian Legislature, or in any way subject to its jurisdiction. And, my Lords, to address myself to that point, it is perfectly certain that the clergy reserves, previous to 1791, were the property of the Crown by right of conquest; nor is it in any way a matter of less certainty that they were afterwards appropriated by the Crown for the maintenance of the Protestant clergy; and, to a certain extent, a certain power of dealing with that appropriation was given to the Legislature of Canada, which they could not otherwise have possessed, under the Act of 1791; and all the power which they had ever exercised over those reserves was a power strictly limited, and which was conferred upon them by the Act of 1791. Setting out, then, from the Act of 1791, under the limits and under the restrictions imposed by that Act, which remained in full force until the Act of 1840, whatever power since then the Canadian Legislature possessed over those reserves was strictly and accurately defined. It is, therefore, from 1791—not denying the succession of restrictions upon the inherent power of the Canadian Legislature—that their Lordships must trace the series of concessions made by the Crown and by Parliament, in whom the domain of the reserves rested, to the Canadian Legislature, at their own pleasure, and subject to such restrictions as they pleased. And, my Lords, this view of the case appears to me to decide summarily and conclusively the claim of right—I mean the claim of strict legal right—put forward upon the part of the colony. Well, my Lords, the claim of right having been disposed of, and disposed of as I think conclusively and absolutely by the arguments of my noble and learned Friend, the only grounds on which the question can be strictly argued is the policy in regard to these reserves. It certainly, my Lords, might be the policy of this country to grant to the Colonial Legislature still greater power than they have ever been granted as yet: it is the right of the Imperial Legislature to withhold the concession of any greater powers; but it must not be forgotten that in that case the powers which might be conferred—as the powers which have been conferred—are not conceded as the inherent right of the Canadian Legislature, but as the free grant of the Crown and of Parliament. But, my Lords, on the other hand, as I am speaking frankly, I will at once admit that, from the time when you conferred a representative form of government upon Canada—that still more in proportion as that colony advanced in intelligence and in wealth—that still more when its dependence upon the mother country must be considered rather nominal than real—I say, my Lords, that from that date it became essentially the policy of this country to keep a lighter and a lighter hold upon that colony with regard to matters of purely internal concern, and constantly to keep augmenting the degrees of superintendence which she was to exercise over her own affairs. I then say that if any concession is to be made, the extent of such concession is only to be limited, in the first place, by the nature of the interests involved; and next, by the consideration of that faith and honour which are due to third parties, that is, neither the British Parliament nor the Colonial Legislature. My Lords, I cannot admit what has been contended for by some—that the question of the appropriation of these reserves is absolutely a question of local interest alone. Now it appears to me that in this question great Imperial interests as well as great colonial interests are involved. When the Imperial interest and Imperial power are brought to bear upon the Roman Catholic and the Protestant establishments in the colony, I think it is difficult to contend that while the maintenance of Roman Catholic institutions of the colony is a matter of Imperial concern, the maintenance of your own communion and of your own Church in Canada is a matter of exclusively local concern, with which this Parliament has nothing whatever to do. But even in regard to the administration of the local funds for the maintenance of the clergy of Canada, I should be desirous, so far as it is possible, to strain the point of strict right for the purpose of meeting what I believe is the anxious wish of a large majority of the people of Canada. For my own part, if I had the responsibility of introducing a measure for disturbing the settlement of the Act of 1840, which was undoubtedly intended to be a permanent and final settlement, I frankly declare to your Lordships that no consideration on earth—not even the chance, if there be a chance, of severing the nominal dependence of Canada on this country—could induce me to take a step which I could not reconcile to my conscience, and which I think is fraught with the most serious consequences hereafter. I would not, therefore, as a Minister of the Crown, think of disturbing the settlement of the Act of 1840. I would, on the contrary, have maintained that settlement as a compact solemnly entered into between this country and the Church in Canada—as a compact which, as a Minister, I was bound to uphold to the utmost of my power. To a certain extent the question, however, has been altered by the position which has been taken by Ministers in respect to it. I cannot shut my eyes to the fact, that, by two succeeding Governments, promises have been held out to give to the local Legislature a greater and more extensive control over those reserves—I cannot shut my eyes to the fact that a large portion of the people and of the Canadian Legislature is anxiously desirous of obtaining that power. I cannot shut my eyes to the fact—and it is an important fact—that in pursuance of the recommendation of Her Majesty's Ministers, the other House of Parliament have sanctioned to a certain extent the principle of this Bill, and have declared their willingness to entrust the Legislature of Canada with power over those reserves. I say, then, that seeing the question thus circumstanced, I am anxious to go to the utmost limit which I feel I can do without infringing those solemn obligations of honour and of good faith which ought to be dearer to us than any other consideration, and which, I trust, will never be disregarded by this Government or the country; but which, if they do disregard, sure I am it will not be long before they repent of it. I have risen, my Lords, now principally for the purpose of saying that in the peculiar condition in which we find ourselves circumstanced, I am anxious to find out the possible means of escaping the necessity of meeting this Bill with a direct negative, and to go as far as good faith and honour will allow me in meeting the wishes of Her Majesty's Government. I am therefore prepared to present to you a proposition in Committee, if this Bill should pass a second reading, whereby there will be given to the Legislature of Canada more extensive powers than has been given them by the Act of 1791, but which will, at the same time, maintain inviolable all appropriations that heretofore have been made, not only upon the lives of any individuals, who have a secondary and an inferior interest in the matter, but maintaining as a permanent provision, be it for the Church of Scotland or for the Church of England, all appropriations which, either under the Act of 1827 or under the Act of 1840, have been allotted and solemnly given over, not to individuals, but to trustees, for the benefit of those Churches for ever. Maintaining these appropriations strictly and inviolably—I speak for myself alone when I say that I will waive all the great and serious objections I entertain to this Bill, and which would have prevented me were I a Minister from submitting it to Parliament—if I can obtain from the Government such modifications of this measure as should, at all events, declare that that which has been allotted under the authority of Parliament, by solemn compact, and by an Act under the sanction of the Crown, shall be held as inviolable, be it the property of the Church of Scotland or the Church of England—as if such were the personal property of any of your Lordships. I will not anticipate the arguments which I must necessarily use in bringing this proposition under your Lordships' notice. I am afraid that I shall have to press this point upon your Lordships at some length in Committee. I make considerable sacrifice of my own feelings while, influenced by a spirit of conciliation, and a desire to meet the reasonable claims of the colonies, I make the present proposition. The colony of Canada claims to view this question as one of simply local interest; but I again repeat, that this question cannot be viewed as one of local interest, but of Imperial interest; for when arrangements have been entered into by the Parliament of England, and when funds have been vested in pursuance of these arrangements and on the faith and honour of the Legislature, to set them aside by the capricious acts of a tyrannical power, in subservience—no, I will not use that word—but in obedience to the unreasonable demands of a local Legislature, and to recall those obligations into which we have entered, cannot be matter of local, but must be of the highest Imperial interest. My Lords, I am anxious to have an opportunity of submitting this proposition to your consideration, should your Lordships be induced to give the measure consideration in Committee. I am afraid, however, my Lords, to cherish the hope and expectation that it would lead to peace upon this question, and not to fresh demands upon us. If my proposition be acceded to, I shall consent to waive my own grave objections to the measure, and consent to the second reading. If your Lordships, however, insist that this measure shall not only be prospective, but that it shall also be retrospective—that it shall violate those engagements which have been solemnly entered into; that it shall in effect plunder parties that are legally possessed of this property —then, I say, that no consideration on earth, not even the dismemberment of the Empire itself, will induce me to make such a sacrifice as to set my hand to a Bill of that description, and to say, "Content." Whatever the hazard may be, to such a Bill I shall say, "Not content."

Earl GREY said, though the noble Earl who had just sat down had expressed a willingness that the Bill should pass in a modified form, and, after so important an announcement it was not likely that it would be rejected on that stage, still he (Earl Grey) felt it to be his duty to state the reasons which, in his opinion, rendered it highly desirable that it should pass in its integrity. He felt it to be the more necessary to do so because the noble Earl had not stated whether he intended to vote for the Amendment of the right rev. Prelate or not. He thought no ground had been shown for adopting that Amendment, and rejecting the Bill. The right rev. Prelate had entered into a long and able argument to show that the power of the Imperial Parliament was supreme over all local legislatures; but he used it against a proposition which not one of their Lordships—not even the noble Duke who proposed the second reading, and whose language was open to some misconstruction—had thought of advancing. No doubt Parliament had the right to interfere; but it was one thing to have strict legal right, and another to have justice in the exercise of it. The supreme power of the Crown and Parliament should never be surrendered; but it should never be exercised but on imperial questions, and it was unjust and vexatious to use it in reference to merely local questions. He did not think the noble Duke was quite right in saying that if this Bill should pass, the Catholic Church would be left on the same footing as the Protestant Church. He apprehended that if the Bill now before them were to pass unaccompanied by any other measure of legislation, there would be, in strictness of law, this difference between the power of the Canadian Legislature over the endowment of the Catholic Church, and over that of the Protestant Church, that with regard to the former the Provincial Parliament would only possess the power of legislation subject to the condition that any laws they might pass would not be valid until they had been laid for thirty days before the Imperial Parliament, without being objected to by either House; whereas there would be no such restriction as to legislation affecting the Protestant Churches. But practically this difference seemed to him of very little importance, and the supposed advantage to the Catholic Church of no real value. If the Parliament of Canada, after secularising the property of the Church of England, should determine to deal with the property of the Church of Rome, the Bill they might pass would have to be sent over to this country, and to lie on their Lordships' table, and the table of the other House of Parliament, for the thirty days prescribed by law; but there was little chance of either House interfering by address to the Crown to prevent the final confirmation of such a Bill, so that substantially the power of the Provincial Parliament would be as unfettered in dealing with the property of the Roman Catholic as of the Protestant Church. But passing over this minor question, he must express his regret that the noble Earl (the Earl of Derby), who had been for several years Secretary of State for the Colonies, and recently at the head of Her Majesty's Government, had not told them what would be the probable consequences, in his opinion, of rejecting this measure. He begged to remind their Lordships that the right hon. Baronet who lately held the office of Secretary of State for the Colonies (Sir John Pakington) had not sought to conceal his conviction that the rejection of this Bill would involve the greatest risk to the connexion between this country and

Canada. He (Earl Grey) thought that the House might reasonably have expected to hear from the noble Earl whether he agreed in this opinion of his late Colleague, and what he anticipated as the probable result of the rejection of the measure. For his own part, he (Earl Grey) had endeavoured to trace out step by step the consequences which were likely to follow if the Bill was rejected; and the conclusion he had come to was this, that we should enter on a controversy with the Parliament of Canada, which never could be adjusted except by our concession sooner or later, and which could not remain permanently unadjusted without leading, by a few short and easy steps, to the separation of the colony from this country. It seemed to him beyond all doubt that this was the issue to which things must be brought by the loss of the Bill now before the House. There was in Canada the strongest feeling of injustice as to the existing arrangements; it was not a question of money, but of a great constitutional principle; it was whether or not the Parliament of Canada was to be prevented exercising one of the powers which they said legitimately belonged to them. He had no hope of their giving way on that point; he said more, they ought not to give way upon it. If that was so, how were they to carry on the government of Canada? Their Lordships knew too well to believe that the government of the colony could be carried on in permanent antagonism to the Legislative Assembly. Were they prepared to make the hopeless, he would say the wicked, attempt to govern Canada, in spite of her Parliament and the wishes of her people, by the authority of the Imperial Legislature and by force? No man would be insane enough to make such an attempt; and then there remained no alternative, if they rejected this measure, but to dissolve the connexion. The noble Earl opposite seemed to consider the dissolution of that connexion a light matter. Did he think it would be a light matter to the interests of the Church for which he was so anxious? Would the Church of England or the Church of Scotland be gainers, if by endeavouring to maintain this Act of Parliament, they caused the dissolution of the connexion, and left the Parliament of Canada to deal with the matter, without the slightest control on the part of the Government in this country? It was a quarrel into which we could not enter with any chance of success, and from which we could not retire with honour. It was said, that whatever might be the result, even though we should lose Canada, we ought to do what was right. He fully admitted this to be true; if it could be shown that there was any obligation of duty binding upon the nation; if Parliament could not pass the Bill without violating the sacred rules of right and wrong, let it by all means be rejected. But before a course was adopted which even those who advised it did not deny to be likely to lead to so serious a result as the loss of Canada, they ought to be very sure of its necessity. As far as he could make out, two grounds only appeared to be suggested for the rejection of the present measure as one which could not be passed without a violation of the duty of Parliament: first, it was said that it was their duty not to neglect their interest in the religion of our fellow-subjects in Canada; and, next, that there was a compact by which we were bound in honour and good faith to maintain existing arrangements. With respect to the first ground, there was not one of their Lordships who entertained a stronger opinion than he did as to the impolicy of what was called the voluntary principle in matters of religion. Those most in need of religious instruction were generally those least sensible of their wants, and the welfare of every nation was concerned in having some public fund for their due instruction in the truths of religion. But experience taught him that if they forced endowments on a people contrary to their sense of right, they did more harm than good, and he would say nothing had more prevented the Church of Englaed obtaining its proper influence than the injudicious means used to extend it in former days. A right rev. Prelate, in the course of the debate, said, that by passing the Bill they would destroy religion; and several noble Lords, himself among them, having cried "No, no," the right rev. Prelate corrected himself by saying they would destroy religious endowments, as if they were the same thing. But the distinction between the two was obvious; and he (Earl Grey) firmly believed that if the passing of this measure were ultimately to result in depriving the Church of every endowment in Canada, for the real interests of religion it was far better they should pass this Bill. With regard to the second ground—the compact that was said to exist—he should be glad to know with whom the supposed compact was made, and who would be injured by the infraction of it? There was no compact, as far as he was aware, with any individual, who could say he was injured by the passing of this Act. The existing holders of the stipends derived from these sources would not be affected by the Bill. The people of Canada would not be injured by it. All that the Bill purported to do was to give a power to the Canadian Legislature which it did not now possess. But he was told that an injury would be inflicted upon the Church of England and the Church of Scotland. He could not help thinking that the noble Lord, through the whole of his speech, had been led into error by making use of the language, "rights of the Church," as if the Church was not a mere abstraction, but was some embodiment capable of possessing and exercising rights. This was a fallacy. The Church, so far as it was a body capable of holding property, was a great national institution—the creature of the governing power in every country, and over which the governing power, whatever it might be, necessarily retained an authority, its existence resting upon its usefulness. The phrase, "property of the Church," was often used, but it was extremely vague language, and when they came to deal with that property practically, they soon perceived a distinction between the property of an individual, and property set apart for great national uses. It was not 400 years ago since the whole of what now constituted the property of the Church of England was enjoyed by a rival Church. Undoubtedly, 400 years ago the Roman Catholic Church was in possession of that property. He knew it was argued that this possession was itself a usurpation, as tithes had originally been set apart for the maintenance of a purer national church, which the Reformation merely restored. He would express no opinion as to how far this argument was well founded in fact, since, at all events, it certainly did not apply to the whole property of the Church. A very large portion of those estates which now constitute that property had been given to the Roman Catholic Church by kings, princes, and great feudal barons, long after that Church had adopted the doctrines and the practices which it still retained, and which Protestants abjured; indeed much of the property was given by the donors expressly for the purpose of having masses said for their souls. But in process of time it came to be considered by Parliament that this property ought to be better applied for the benefit of the people, and it was taken away from the Roman Catholic Church, and conferred upon our present Establishment. ["No, no!"] He was at a loss to know what that "No, no" meant. He believed that the property of the Church was dealt with in the manner he had described. But in later times they had done much the same thing. The noble Earl opposite (the Earl of Derby) brought in a Bill in the House of Commons, and which was now law, by which about half the Irish bishoprics were extinguished. They had done something not very unlike it in this country, by establishing a Board of Ecclesiastical Commissioners, who had the power of redistribution of the property of the Church. Now the right to redistribute the Church property argued also the right to apply it to a different purpose if necessary. Would any man say that it would be consistent with a due respect for the rights of property for Parliament to pass an Act redistributing the property of the Members of their Lordships' House? Would it be less an act of spoliation to take the property belonging to their Lordships individually—to make it a common fund, and divide it equally? Would this be less unjust to the owners of large estates than more direct confiscation? It was clear, therefore, that by the measures Parliament had adopted, a distinction had been recognised between the property devoted to the support of the Church, and private property. The truth was—and let them not seek to disguise it from themselves—that the real security of the property of their own Church rested not upon this doctrine of compact, or upon the inviolability of property, but upon the conviction which pervaded the minds of the great majority of the people of England, that they had the highest interest in the continuance and in the welfare of the Church. If this feeling should cease—if by some extraordinary circumstance the whole people of this country should be converted to some different religion—all those doctrines of property and of compacts would not avail for a moment, and the property of the Church would be swept away for ever. If their Lordships thought they could properly, in the present state of Canada, looking at the intelligence of its population and at the general diffusion of education among the people, intrust them to manage their own affairs, could they think it fit or decent to say to them that they should not have the power of dealing with public property in Canada as we dealt with public property in this country? Funds derived from the Canadian reserves were the result of the contributions of the Canadian people. It was by the expenditure of capital and labour on the land that the clergy reserves had obtained an appreciable value. The people of Canada, therefore, asked, and fairly asked, that their own Parliament should exercise, with regard to the endowment of the Church in Canada, the same power that the Parliament of England exercised in respect to the endowments of the Church of England in the United Kingdom. But then they were told that this general right of dealing with the Church endowments in Canada was fettered by the Act of 1840—that the Act was a compact which it was impossible Parliament could honestly repeal—and that the Parliament of England was bound by it: against this argument he took a preliminary objection. He utterly denied the right of any Parliament, or of any one generation, to bind succeeding Parliaments or succeeding generations. He was old enough to remember when that doctrine was used very much in resisting Catholic emancipation. It was said that by the coronation oath the Sovereign was placed in a position that forbade him to assent to that measure. He well remembered hearing the brilliant debates in which that question was discussed, and the unanswerable arguments by which that fallacy was entirely and for ever disposed of. It could not for a moment be submitted to, that men in one age, and at one time, should bind those who were to follow them for all time to come, and prevent them from exercising their discretion as they thought right for promoting the public interest. No doubt Parliament was always bound to act with justice towards individuals; but every Parliament, by itself, quite irrespective of what had been done by its predecessors, was at liberty to decide upon all questions of political expediency. So far from the Act of 1840 possessing any extraordinary authority, it really did not carry that degree of authority which most Acts of Parliament possessed. He would just advert to the circumstances under which that Act was passed. In 1840, before the union of the two provinces of Upper and Lower Canada, his lamented friend, Lord Sydenham, who was then Governor General of British North America, considered it necessary that the question of the clergy reserves should be disposed of before that union was effected. He therefore induced the Legislature of Upper Canada, not without considerable difficulty, to pass an Act, for the purpose which was generally supposed to be in strict accordance with the provisions of the Act of 1791. This Provincial Act was laid before both Houses of Parliament, as was required by the Imperial Act of 1791, with a view to its ultimately receiving the Royal assent; but by what he could not help calling the unhappy legal acumen of the right rev. Prelate (the Bishop of Exeter), it was discovered that the Provincial Legislature had exceeded its powers, and that there was a technical objection to their Act, which rendered it impossible that it should be confirmed. The attempt to settle the question by Colonial legislation having thus failed, it was determined that a Bill should be brought into Parliament for the purpose of doing so. But, unfortunately, the Government of that day, during the progress of the measure through Parliament, was induced to assent to changes in its provisions, by which, instead of giving one-half of the clergy reserves to the Churches of England and Scotland, and dividing the rest among the other denominations according to their numbers, as had been proposed by the Assembly of Upper Canada; the whole of the property already sold, and one-half of the produce of the lands which might be afterwards sold, was to be given to the two Churches of England and Scotland, and the remaining moiety of the value of the unsold land left to be divided among the other denominations at the pleasure of the Executive Government. This proposal was made to Lord John Russell on the part of the Archbishop of Canterbury, with whom the late Sir Robert Peel and Mr. Gladstone acted. Lord John Russell adopted it, at the same time not concealing his opinion that the arrangement was an inexpedient one, and that he only agreed to it under the impression that the measure could not otherwise be carried. It so happened that he (Earl Grey) had himself not many months before ceased to belong to the Administration of Lord Melbourne: but having his attention drawn to the subject, he wrote a letter to Lord John Russell, stating the serious consequences which, in his opinion, would result from that arrangement. He told Lord John Russell that if the Bill passed in the state then contemplated, very few years would pass away before it would be necessary to bring the whole question of the Church in Canada before Parliament; and he (Earl Grey) strongly urged that the right course to adopt would have been, after reciting in the preamble of the Bill the Colonial Act, to confine the enacting part of it to a single clause, giving effect to that Act. He was aware that such a measure would have encountered much opposition, especially in that House; but he believed that the Government at that time had the means, if it had been prepared to use them, to surmount the threatened opposition. A very considerable proportion of the whole provision for the Colonial Church was derived from the annual votes of Parliament, from which source it had been arranged, in 1832, that the stipends of existing incumbents should be paid for their lives; while the charge on account of the Canadians, previously borne by this country, should positively be put an end to. If the Government had included in the Bill giving effect to the arrangement respecting the reserves which had been assented to in Canada, provisions charging the stipends he had mentioned on the Consolidated Fund for the lives of the holders, at the same time declaring that in the event of this measure failing they would not recommend the usual annual vote to Parliament, he thought it very unlikely that the Bill would have been thrown out; and, at all events, those who were then in the situation of servants of the Crown certainly ought not to have taken on themselves the responsibility of a measure which they knew would give general dissatisfaction in the colony. But the Bill was passed with the amendments he had described; and, so far from its being cordially accepted in Canada, there was, from the moment of its being known, a great opposition to it. A deputation of Wesleyan Methodists from Canada, then in this country on another matter, applied to be heard at the bar of the House of Commons against the Bill. That application was refused. His friend, Lord Sydenham, the moment he heard of the alterations contemplated, wrote to the Government his conviction of the impolicy of the measure, and stated that the result which their Lordships now witnessed would not fail to follow. To say that a measure thus forced upon the people of Canada, and upon a reluctant Government in this country, which had not the power to act upon its own views—that an Act passed in that manner was to be considered binding for all time to come, was an opinion which he, for one, could not for a moment assent to. He could not dismiss the Act of 1840 without pointing out what a warning it gave of the danger of pushing too far the supposed interests of the Church. Those who thought themselves the only real and earnest friends of the Church possessed at the time, and exercised, the power of preventing the measure passed by the Legislature of Upper Canada from taking effect. If that Act had been allowed to stand, or if its provisions had been embodied in the Act of the Imperial Parliament, he said with the utmost confidence, that the arrangement would have stood undisturbed for ever. It was one freely adopted by their own representatives, and consistent with their own notions of what was fair; and the people of Canada would, he doubted not, have therefore abided by it. But the case was entirely altered when the measure they had themselves agreed to was rejected, and a totally different one was substituted for it; first, any alteration was offensive to the people of Canada; and the measure was also altered in a manner inconsistent with their notions of fairness. By the Provincial Act all the property was divided between the two Churches of England and Scotland on the one hand, and all other denominations of Christians on the other, in a proportion not very remote from that in which the shares would have been allotted had they been allotted according to the numerical proportion of those who were of different persuasions. The Churches of England and Scotland at that time numbered 158,000 members, and the other denominations 174,000, so that there was no very material departure from the principle of equality in assigning a moiety of the property to each of these divisions of the population. But how did Parliament deal with the question? First, half of the Presbyterian body were struck off, because it was said that only Presbyterians in strict communion with the Church of Scotland were to be reckoned as entitled to the share they had with the Church of England. Further, it was said the proceeds of the land sales which had been already authorised were to be held as belonging to these two Churches; two-thirds to the Church of England, one-third to the Church of Scotland; and the result of the arrangement was, that the favoured Churches were dealt with three times as favourably as the others, after the local Legislature had been with much difficulty brought to assent to the slightest inequality. From the moment the Act reached Canada, there had never ceased to be more or less agitation. Never was the fable of the "Dog and the Shadow" more completely realised. Clutching the advantage of some slight addition to the annual appropriation in favour of the Church of England, the security of the whole had been sacrificed, and it was now in extreme danger. But even now to reject the present measure, would be to render matters still worse. Different opinions as to vested interests prevailed on the other side of the Atlantic from those which prevailed in this country. If the settlement now tendered were thrown out, and the whole subject came to be discussed in Canada under the influence of the feelings of irritation which the rejection of this measure could not fail to create, did their Lordships think it quite certain that the party which had hitherto been a minority in the Assembly might not be converted into a majority? There were not persons wanting in Canada who were ready to urge on the local Legislature that they were competent to deal with the subject, nor did they want a large amount of popular support. Their Lordships knew by how considerable a majority the Bill had been carried in the other House, where there had not been much difficulty hitherto in passing the annual estimates, providing salaries for a portion of the clergy of North America (on which subject an arrangement had been made a number of years ago, that the payments should cease with the lives of existing incumbents), but where, if this Bill were rejected, the question might be raised on the miscellaneous estimates, whether from that source an indemnity might not be made to the Canadian people. The clause omitted ought not to have been so; but as the interpretation put on the Bill was, that the guarantee was not to take effect unless the funds were deficient which were assigned by law to the Churches of England and Scotland, and that if the law were altered that guarantee would not apply, it was comparatively immaterial that the clause had been omitted. Parliament would never allow the people of this country to be taxed for an alteration made by the Canadian Parliament in the appropriation of those funds. These were the grounds on which he asked their Lordships to pass the Bill, and he would urge upon them before they rejected it to consider well the results of such a step. Up to three or four years ago, Canada had been unceasingly disturbed by angry contests. The Government had never worked quietly from 1821 or 1822 till 1849, when the annual discussions respecting the rebellion losses were terminated. The French population till lately was alien in feeling to the mother country, and even a large portion of the population of Upper Canada was disaffected. A very different state of feeling now existed. Their Lordships were told from both sides that Canada enjoyed the most perfect repose and prosperity, that the population was united and loyal to the mother country, and that there was an ardent determination to support the authority of the Crown. Before changing that state of things, he asked their Lordships to consider that the step they were asked to take was directly at variance with that policy by which, between 1846 and 1852, so great a change had been accomplished. He hoped their Lordships would not take a course directly at variance with the policy which had produced those effects, that they would not refuse to give the Bill a second reading, and that they would not consent to any amendment which might prove fatal to the measure.

The EARL of DERBY explained, that from the statement he had made, it would be seen that as on the one hand he could not consent to adopt the Bill in its present state, so, on the other he was extremely anxious to have an opportunity of calling their Lordships' attention to that modification which he had shortly explained. Though he could not say "Content" to the Bill it its present shape, and though he had no right to make the request of the right rev. Prelate (the Bishop of Exeter), yet he wished to state that if the right rev. Prelate thought the subject deserving of further consideration, it would be for the convenience of their Lordships, and certainly for his own (the Earl of Derby's) satisfaction, that the right rev. Prelate should not press his Amendment to a division, but that he should assent to the second reading, with the understanding that the Amendment should be afterwards considered, and that their Lordships should take what course they thought proper on the third reading.

The BISHOP of EXETER stated that, with that understanding he did not hesitate to say that he should not trouble their Lordships to divide.

The **Duke of NEWCASTLE** suggested that the noble Earl (the Earl of Derby) should lay on the table the exact words of his Amendment.

The **Earl of DERBY** stated that the Bill had been delivered only on Friday, and their Lordships were called on to discuss it in Committee on Monday next; the time, therefore, was very short; but having seen the print of the Bill from the other House, he had endeavoured to sketch out an Amendment.

The **Duke of NEWCASTLE** was not aware that the Bill had been delivered only to-day. An unusual time had intervened between the first and second reading, the Bill having been read a first time last Tuesday week.

Earl GREY said, he had certainly received the Bill several days ago.

Amendment (by leave of the House) *withdrawn:* Then the original Motion was, on Question, *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Monday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 22, 1853.

Minutes.] Public Bills.—1° Hackney Carriages (Metropolis); Entails (Scotland).
2° Taxing Officer, Common Law Business (Ireland).
Reported.—South Sea and other Annuities Commutation.

MAIDSTONE ELECTION COMMITTEE.

Mr. HUTT reported that the Select Committee appointed to try the Election Petition for the Borough of Maidstone had determined—

> "That George Dodd, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Maidstone.
>
> "That the last Election for the said Borough, so far as regards the Return of the said George Dodd, esquire, is a void Election."

Also that the Committee had agreed to the following Resolutions:—

> "That George Dodd, esquire, was, by his agents, guilty of treating at the last Election for the said Borough.
>
> "That it was not proved to the Committee that such treating was committed with the knowledge or consent of the said George Dodd, esquire."

Report to lie on the table.

THE NEW CUSTOMS TARIFF—CURRANTS AND RAISINS.

Mr. EWART said, he begged to call the attention of the right hon. Chancellor of the Exchequer to that portion of the Resolutions to be submitted to the House, which proposed that the duty on raisins should be reduced from 15*s.* to 10*s.* per cwt. By the tariff, as it at present stood, and for some years past, the duty was the same upon currants and raisins; he wished to know whether it was intended to reduce the duty on currants in the same proportion as on raisins?

The **CHANCELLOR of the EXCHEQUER** said, that, speaking from recollection, he thought the hon. Member was in error in stating that heretofore raisins and currants had paid the same rate of duty. In 1845, or about that time, when the duty upon currants was reduced, the duty on raisins was not reduced from 15*s.*, on account of some expectation of a negotiation with Spain. At the present moment the duty of 15*s.* upon currants was not above half so heavy as a 15*s.* duty upon raisins, and although the duty upon raisins would be reduced to 10*s.*, it would still leave that commodity paying a higher rate of duty *ad valorem* than 15*s.* would be upon currants. If he were in a condition, in point of revenue, to propose a further considerable reduction of the duty upon currants, he should be happy to do so. Adverting to the present state of the supply, and the shortness of the recent crop, he should not feel confident of any rapid replacement of revenue from any further reduction of duty. There would be an immediate loss of revenue if the duty were to be reduced, such as would not be justified with due reference to the other alterations proposed.

SOUTH SEA AND OTHER ANNUITIES COMMUTATION BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Sir FITZROY KELLY said, it had been his intention to have moved an instruction to the Committee, or to have submitted some other form of amendment under which it would have been competent for him to call the attention of the House to the very important principles involved in this measure, and especially to the great and important objection that it provided for a large increase to the capital amount of the national debt, and also guaranteed payment for a period of forty years of the unreasonable and extravagant sum of 2*l.* 15*s.* per annum, as the income or dividend on the stock proposed to be created. But having understood that some technical or formal objection might arise to that course, and feeling also that he could, consistently with due regard to the forms of the House, call attention to the whole subject in Committee, it was not his intention to oppose the Motion for the Speaker leaving the chair. But when the second clause came under the consideration of the Committee, he should then enter upon the entire subject embraced by the Bill, and state his objections to it.

House in Committee; Mr. Bouverie in the Chair.

Clause 1 *agreed to.*

Clause 2.

Sir FITZROY KELLY said, he would now solicit the attention of the Committee whilst he offered some observations, not merely upon the principle of the Bill, but upon its provisions. The principle of the measure was unexampled in the extent and importance of the interests involved in it, and as a scheme of finance it was unequalled in its magnitude and consequences, involving as it did principles immediately affecting a sum amounting to not less than 100,000,000*l.* sterling, and ultimately it might apply to 500,000,000*l.*, if not to the entire amount of the capital of the national debt. If after the great and brilliant effort of oratory and reasoning with which the House was at once delighted and instructed last Monday, while he, at least, could say he was yet under the wand of the enchanter, he (Sir F. Kelly) now ventured to advance into the wide field of finance which had been opened by the right hon. Gentleman, and upon the very threshold to express his entire dissent from the main principle of the scheme of this Bill, he could assure the Committee that it was not without much diffidence and no slight feeling of apprehension that he did so. But he felt it his duty to call attention to the subject, for the scheme was one of a very peculiar character, full of intricacies and difficulties. To the clear and enlightened mind of the right hon. Gentleman, to an intellect which, like his, rejoiced in complicated subtleties, such a task as he had undertaken might be easy and pleasant; but it must be his (Sir F. Kelly's) duty, with no other aid than a common and ordinary understanding, to endeavour to attract attention to the exact character of the details of this financial scheme—a scheme which he was bound to say appeared to him replete with perplexities, and abounding from beginning to end with contingencies and uncertainties. He should therefore endeavour to put the Committee in possession, so far as he could, of the provisions of the Bill, and the means by which the Government sought to attain the objects which they had in view — objects, he would admit, excellent in themselves and in nowise objectionable, but which, he would venture to assert, were wholly unattainable by the Bill under consideration. The Bill provided, in the first place, for the extinction and redemption of certain South Sea and other minor stocks or annuities of the value or amount of about 10,000,000 sterling. To this he could have no objection. It was no doubt expedient that these minor stocks should be merged in the larger stock composing the national debt. That object, however, might be attained with the greatest facility, looking at the present state of the money market, by giving the requisite notice and at once paying off the holders, raising 10,000,000*l.* for the purpose, in any way that might be deemed expedient. But the right hon. Gentleman evidently conceived that the time had arrived when certain great and important objects, which might have occurred to the minds of other Ministers when in office, but which had never been submitted to Parliament in any distinct or tangible form, might now be accomplished. These objects were three in number. The first in magnitude and importance was to effect a large and substantial reduction in the capital amount of the debt; secondly, the creation of a permanent 2½ per cent stock; and, thirdly, the creation and issue, for the benefit of the mercantile community, and of the public in general, of Treasury or Exchequer bonds, transferable by delivery from hand to hand. If it were clear from the provisions of the Bill that any one of these three great objects could be successfully accomplished, or even a preparation made, or a foundation laid, or the first step taken, consistently with good faith to the national creditor, and the duty which every Minister owed to the State, of securing a fair and not disadvantageous bargain for the country—if they or any one of them could be accomplished or even commenced without violating the great constitutional principle that the amount of the national debt ought not to be increased, unless imperative necessity called for it—the Bill would have received his sincere and cordial support. But after bestowing careful and minute attention upon the scheme, its intricacies, complications, and uncertainties, he had arrived at a strong and conscientious conviction, which he hoped to be successful in impressing upon the Committee, that, as a whole, it was inconsistent, impracticable, mischievous, and unjust—unjust, he meant, because it was unnecessary. To make a large and substantial addition to the capital of the national debt, and to make it under circumstances which led to a reasonable apprehension that the addition would by-and-by be multiplied twenty and even fifty-fold, was surely objectionable; and therefore he felt called upon to oppose the principle of the Bill, unless the right hon. Gentleman consented so far to modify it as to strike out what he should hereafter call alternative No. 2 from the second clause, in order to avoid any increase to the amount of the national debt, and also for the payment of 2*l.* 15*s.* per cent upon the capital created for a period of forty years. He would now proceed to state, not in legal language, but in language intelligible to all, what the scheme of the right hon. Gentleman was, and the three alternatives or bargains which it proposed to the holders of the 10,000,000*l.* South Sea and other stock. As originally proposed, the scheme might have embraced 500,000,000*l.*, but as now proposed it would be limited under the Bill to 100,000,000*l.* He would suppose the owner of 100*l.* South Sea Stock to come under the operation of the Bill, and to be about to consider in what position he would be placed towards the Government. He might receive 100*l.*; that was, he might be paid off at par if he thought proper. Considering that all these were 3 per cent stocks, and that all the 3 per cent stocks of the company were substantially at par, this appeared to be the most obvious as well as the easiest mode of settling with the holder. But the right hon. Gentleman proposed to submit to the option, not only of the holders of the 10,000,000*l.* of minor stocks, but of the holders of the 90,000,000*l.* of 3 per cent Consols and Reduced Stocks, and it might be to the holders of the whole 500,000,000*l.*, one or the other of these alternatives. It was important, therefore, to consider these alternatives separately as well as by comparison. But before proceeding further he must observe that the right hon. Gentleman had stated—and stated necessarily, otherwise his scheme would at once be suicidal—that his three propositions were equivalents. This, indeed, was the essence of the proposal. So that any one holding South Sea Stock or 3 per cents would find himself in this position, that he might accept either No. 1, No. 2, or No. 3 of the alternatives, according to his interest or his inclination. Now, a great objection he felt was, that whereas these three were represented as equivalents, they were not equivalents, or anything approaching to equivalents; for it would be found on practical experiment, if the Bill were passed, when it was too late to apply a remedy, that the difference between the one and the other, especially between No. 2 and No. 3, was so great that the people would wonder how the House of Commons could possibly have entertained the scheme. Another objection he felt was, that the Government, having the power of accomplishing the three great objects to which he had adverted, instead of proceeding to invite information as to what ought to be the real terms of the bargain, and taking the steps which any Ministry attempting such an operation ought to have taken, had acted exclusively upon their own judgment. Other Ministries had invited tenders to ascertain how the country would take that which they upon the part of the State offered to grant. But instead of applying such a test to the question of what ought to be the terms of this great bargain, the right hon. Gentleman—whose ability and genius he was the last to question or undervalue—had assumed to himself the faculty of all knowledge. The right hon. Gentleman, in framing this bargain, had left himself no option and no opportunity of making better terms; but he had assumed, as if by intuition, that he possessed the required information, and he had drawn his three propositions upon data or principles of his own, in—as he (Sir F. Kelly) presumed to think—entire ignorance as to what would be the extent, if he had invited tenders, to which the monied interest would have accepted the terms. Every holder of 100*l.* South Sea Stock or other stock had then the means of converting it into 100*l.* sterling; and the question was which of the three other alternatives he would accept. The first was this—that for his 100*l.* he should accept a $3\frac{1}{2}$ per cent stock, of which the capital should be 82*l.* 10*s.*; that was to say, he might receive 82*l.* 10*s.* capital stock for this 100*l.* sterling at a dividend of 2*l.* 17*s.* 9*d.*, guaranteed for a period of forty years. What this alternative might be in connexion with the others, the time had yet not arrived for him to consider. What it was, standing by itself, if proposed by itself, would be a fair subject for consideration. It was one which, even if the Bill had been confined to it, would leave the most experienced and sagacious among them some difficulty in determining. It might well be considered a most important question whether 30,000,000*l.* of stock should be created by payments of 100*l.*; guaranteeing 2*l.* 17*s.* 9*d.* for forty years. But it was neither for him nor for the Committee to say whether it was probable any one of these proposals would be accepted. If they should not, if they were so disadvantageous to the public creditor that no one could be found to accept the best of them, then the Bill would fall to the ground a dead letter, the 10,000,000*l.* of stock must be paid off, and some other means be found of raising it, and no great harm would be done. But he was not dealing with that case. It must be assumed, in order to deal with the effect of the Bill, that the right hon. Gentleman was right in holding that at least some one of the three alternatives would be accepted by the public creditor. Upon that assumption, looking at the present price of stocks, with the 3 per cents at par, the scheme was just with regard to the 3 per cents, and no more. Looking, however, at the state of the money market, the condition of the country as regarded the precious metals, the state of Europe and the world—all these being practical considerations and elements in the calculations bearing upon the Bill—he did not pretend to say whether any one of the three alternatives, when thrown open to the market, would be accepted. Perhaps one and perhaps another might be accepted, if each stood alone; but he entertained a profound belief that no two would, to any substantial amount, be accepted. The alternative No. 2 was to receive for the same sum of 100*l.* sterling, 2*l.* 15*l.* per annum guaranteed for forty years upon a capital of 110*l.*, as a consideration of the 100*l.* The third alternative was to receive 2*l.* 15*s.* per annum for a period which was left in uncertainty—which was to depend upon the pleasure of the Government, ranging from one to ten years, and for the remaining thirty years to have a guaranteed dividend of 2*l.* 10*s.* per annum only, and that upon a capital of 100*l.* He would for the present pass over No. 1, which might or might not present to the fundholder a bargain he might deem satisfactory; but he could not do so without saying, whatever might be the result of the Bill, that the country was deeply indebted to the right hon. Gentleman for having, by this proposal, for the first time, submitted to Parliament a scheme for effecting a large and substantial reduction of the national debt without any addition to the national burdens. Although he would not pretend to guess, and it would be rash in any man to say, whether this proposal presented an acceptable bargain or not to the stockholder, he could not pass from it without observing that it would undoubtedly effect a national saving of which it was almost impossible to speak in terms of exaggeration, for should the first alternative be accepted by not only the holders of the 10,000,000*l.* of South Sea and other stock, but by the holders of the 500,000,000*l.* of 3 per cent stock, a saving to the country of nearly 90,000,000*l.* sterling in the capital amount of the national debt would be effected, and would be effected without the increase, on the contrary with a diminution, of the annual expenditure of the country. If the holders of the whole 500,000,000*l.* of stock would be content, and at once come forward and accept this first alternative, which, as regarded the State, would, perhaps, be a fair, and just, and reasonable bargain, he conceived no measure which any Finance Minister in any country ever effected would approach in magnitude and importance, and in the great and extensive benefit to the country, which would result from such an operation. And why? Because they would then have a reduction in the national expenditure of somewhere about from 700,000*l.* to 900,000*l.* per annum, and an immediate reduction in the capital of the national debt, as he had already said, of upwards of 90,000,000*l.* sterling. It might be true that the guarantee of 2*l.* 17*s.* 9*d.* for forty years was for too long a period. It might happen that in five or ten years a reduction of $\frac{1}{4}$ or $\frac{1}{2}$ per cent on the interest of capital might make a difference of millions on these great sums. But however that might be, he rejoiced to think, on the high authority of the right hon. Gentleman, that this bargain was likely to be accepted to a large amount. He would pass from that to No. 2 and No. 3, upon which he felt it his duty to make some observations. No. 2, as he had stated, began by adding 10 per cent to the amount of capital of so much of the national debt as was brought within its operation—a sum which, applied to 10,000,000*l*. of South Sea Stock, and 30,000,000*l*. of 3 per cents, to which the Bill was now limited, would give at once an addition to the capital of the national debt of no less than 4,000,000*l*. sterling. If he stood alone upon that objection, he said it was unanswerable and insuperable. A war, or any other great national exigency, might compel the country to submit to an increase of the national debt, and justify them in agreeing to that increase; but he ventured to deny that the smallest increase ought to be made unless in a case of imperative necessity, in which the honour or the safety of the country was concerned; and he should show, from the statements and admissions of the right hon. Gentleman himself, that this—not to use the word wanton—was a perfectly useless and unnecessary sacrifice of 3,000,000*l*. or 4,000,000*l*., or whatever sum would ultimately be added to the capital of the debt. The argument put forward with all the eloquence of the right hon. Gentleman and of the hon. Secretary to the Treasury, was, that this sacrifice of 3,000,000*l*., 4,000,000*l*., or even 50,000,000*l*., if applied to the whole debt, was well made to secure the inestimable advantage of a 2½ per cent stock. Unless the right hon. Gentleman himself was greatly in error, he might obtain that advantage without the sacrifice—without the guarantee of 2*l*. 15*s*. per cent, on cheaper and better terms, and yet leave the debt at its present amount. It was also said that the addition of 10 per cent to the national debt was really not an evil; and, on a former evening, he was severely taken to task for having treated, or rather having been thought to have treated, the nominal amount of the national debt as so much money in the possession of the stockholder. He had never supposed anything of the sort. He would not for a moment assert that the possessor of 110*l*. stock was the possessor of 110*l*. sterling. They all knew that 110*l*. stock was worth just as much and no more as it would produce by sale in the market, and undoubtedly the holder of that stock was not possessed of 110*l*. of money. It was argued that it was immaterial to add 10 per cent to the capital, because it was a mere nominal sum, and the debtor could not call on the State to pay it off. Of course the same argument would go to make it immaterial whether the debt was 500,000,000*l*. or 1,000,000,000*l*. But he said, in the present times, with the present prospects of the country as to the value of money, and as to the rate of interest, to add to any stock in existence or to be created 10 per cent, while the interest was to be 2½ per cent, was to do great injustice to the State and to the people which Members of that House represented. Who could say that the time would not arrive when it would be to the interest of the State to pay off even a 2½ per cent stock? Now this Bill dealt with a period of forty years; and he must remind the House that forty years ago the 3 per cent stock was at 60. Since 1813 the price of 3 per cent stock had increased from 60 to 100, and the rate of interest had been diminished from 5 to 3 per cent. In the forty years now completed, the interest of money in the funds had fallen two per cent. Looking then to the increasing commerce and prosperity of this country—to the vast amount of capital at their disposal—at the great influx of capital from foreign States, where the same confidence as to political affairs did not exist, was it extravagant or unreasonable to suppose, trusted as this country was to an indefinite amount by the whole civilised world, that in the next forty years the interest on the money in the funds might fall from 3 to 2 per cent? Whenever that fall took place, and the time came to pay off the debt, the right hon. Member would find that it was not altogether immaterial whether the debt was 100,000,000*l*. or 110,000,000*l*., since on every 100*l*. they would have to pay 10*l*. more than if this operation had never been sanctioned by Parliament. But it was not merely on the increase of the national debt, it was not on the improvidence of the bargain by which the right hon. Gentleman bound the country for the long period of forty years, but by the comparison which he should institute between No. 2 and No. 3 that he rested his great objection to the provisions of this Bill. It was said these were equivalents. Let them take the case, and suppose a gentleman being a holder of 3 per cent stock to convert 100*l*. into No. 2, and another 100*l*. into No. 3. First, how would he stand as to No. 3? He paid 100*l*. or 100*l*. 3 per cent stock, which was now the same thing; he received a guarantee for from one to ten years, of 2*l*. 15*s*. per year. He must be permitted to observe that there was great perplexity in this matter; that a clear idea of what Government proposed was not to be collected from what had been stated. By a clause in the Bill there was a guarantee—not a fixed guarantee, but an uncertain, shifting guarantee, at the option of the Minister. No period was fixed to which the guarantee was to extend. The Committee were called upon to sanction a bargain entered into by the State without knowing what were the terms, and whether Government were to give a guarantee of one or ten years. He begged to ask, if the right hon. Gentleman possessed the evidence and the basis for the calculation—and if he did not possess them, he was at a loss to know how the calculations could be made at all—how it was he was unable to tell the Committee whether the guarantee was to be for one, for five, or for ten years. He (Sir F. Kelly), and better calculators than himself, might be inclined to think the commutation exceedingly beneficial if the guarantee was for one or two years, but very disadvantageous indeed if it extended to so large a period as ten years. Turning again to the comparison. What would the gentleman receive upon his 100*l.* in No. 3, even with the utmost extent of guarantee which the Government was authorised to give? He would receive for his 100*l.* 2*l.* 15*s.* a year for ten years, and 2*l.* 10*s.* a year, and no more, for the remaining thirty years, and now—and until he was paid off, he was going to say for ever, his capital would be 100*l.* and 100*l.* only. But what would he receive for his 100*l.* in No. 2? He would bring forward 100*l.* only, as in the other case, but he would receive from the Government a guarantee of 2*l.* 15*s.* per cent, on a capital of 110*l.* Substantially speaking, he would receive only 2*l.* 10*s.* for forty years on No. 3, as contrasted with 2*l.* 15*s.* for forty years on No. 2. In one he would have a capital of 100*l.*, in the other he would have a capital of 110*l.* All he could say was, that if these propositions were identical, if these two bargains were precisely equivalent and the same, he should henceforth have no faith in arithmetic, or in the organs of his own understanding. He hoped the right hon. Gentleman would meet these objections with that fairness, openness, and candour, which belonged to his character, and explicitly inform the Committee upon what principle he could call these two contracts equivalent, one giving 100*l.* capital, and 2*l.* 10*s.* interest for forty years, and the other giving 110*l.* capital, and 2*l.* 15*s.* interest for forty years. He would now proceed to examine the effect of the bonds which were, as asserted, to equalise the two bargains—a subject with which he admitted that commercial men were more familiar than he was. They were told that the issue of transferable bonds—bonds created for the first time—transferable from hand to hand—would be so extensively circulated, and prove so valuable to the mercantile community, that they would make up to the stockholders the entire difference of the advantages or the disadvantages between one and the other bargain; that, in fact, the superior value of transferable bonds would equalise the difference of the two bargains, and make 2*l.* 10*s.* equal to 2*l.* 15*s.* interest, and make 100*l.* equal to 110*l.* capital. The question he was about to ask was this: would these bonds, to pay 2*l.* 10*s.* interest for forty years, be so valuable to the commercial community that they would be accepted as willingly as the offer of 2*l.* 15*s.* interest, and 110*l.* stock? If this were so, then he asked the right hon. Gentleman why he did not stop at No. 3? In no case could injustice be done to the stockholder, for the acceptance of the propositions was optional, not compulsory. Why should the right hon. Gentleman offer 2*l.* 15*s.* and 110*l.* stock, when he could get the same thing done for 2*l.* 10*s.* and 100*l.* stock? If this could be done as far as 30,000,000*l.* were concerned, why should the operation be limited to 30,000,000*l.*? Why should the State be asked to pay 2*l.* 15*s.* and 110*l.* when, as the right hon. Gentleman stated, he could effect the same bargain for 2*l.* 10*s.* and 100*l.*? If these two bargains were applied to the whole body of 3 per cent stockholders in the kingdom, by No. 3, the State would acknowledge a debt of 500,000,000*l.*, which, whenever the rate of interest permitted, could be paid off with that amount of sterling money, and the interest during the forty years would be 13,750,000*l.*, whereas by No. 2 the State would acknowledge a debt of 550,000,000*l.* and the interest during the forty years would be 15,000,000*l.* So that in the one case they would add to the debt 50,000,000*l.* whilst in the other they would not add to it at all; and in the one, as compared with the other, would save in interest in forty years, 1,250,000*l.* He believed, therefore, he had not used too strong a phrase when he said it was a perfect delusion to hold out these two proposals as equivalent and identical, or that the bonds would create that equivalent. Let the Committee look a little further, to see what these bonds really were. To his utter astonishment, he had almost said consternation, the right hon. Gentleman told the House the other night that these bonds would be so much more valuable than the registered stock as to countervail the difference of bargain between No. 2 and No. 3? Did the right hon. Gentleman remember what he was saying, or the import of his words? Did he mean the House to assume that the preference for transferable bonds over registered stock was worth ¼ per cent on the interest, and 10 per cent on the capital? Did the hon. Member reflect on the value of ¼ per cent per annum when applied on the whole capital debt? Again, he would ask why, if one stock was so much preferred, did the right hon. Gentleman withhold the bonds from the public? The Government had to pay a large sum annually to the Bank of England for the management of registered stock; but with these bonds no management would be necessary, and therefore it could not be on the ground of expense. What he said on a former evening he ventured to repeat now, that there was no real, substantial difference in the value of transferable bonds and registered stock. It was true in this country he was speaking without experience. Financial Ministers of this country had never yet thought fit to issue transferable bonds of the nature of these Exchequer bonds, and it would be a problem difficult to solve, and a question not very easy to answer, why they had not issued such bonds, but for one consideration. Perhaps the right hon. Gentleman would find in this scheme that his Exchequer bills would disappear from the market, and appear before him in a form not very pleasant to his eyes. He might find that, instead of having 17,000,000*l.* or 18,000,000*l.* of unfunded debt, at 1½ per cent interest, it would be superseded by Exchequer bonds at 2¾ per cent for a certain number of years, and 2½ per cent afterwards. That might be the reason why bonds of this nature had not been issued in this country. But he was at a loss to imagine how the hon. Secretary to the Treasury could state that these bonds would be worth 10*l.* per cent more than registered stock, and that the two descriptions would run parallel with each other in the market. True, they had no practical experience, but they could move by the light of experience derived from other channels. In France and in Holland and in other commercial countries of Europe, bonds to the amount of millions and millions transferable exactly as these Exchequer bonds, were issued by the Government, and were in circulation in those countries and elsewhere. If the Government wished to know whether Exchequer bonds would be higher in the market than registered stock, the question could be answered by reference to places where Exchequer bonds or similar securities existed. If any one wanted to invest 10,000*l.* in Paris, or Amsterdam, or Hamburgh, the broker would ask whether he desired certificates to bearer, or to be registered as the stockholder, and he would find both descriptions at the same price, convertible one into the other. If he wanted to buy French rentes or Dutch bonds at a distance, no doubt they would be ¼ or ½ per cent higher for the convenience of transfer; but no substantial difference existed, and it was a perfect fallacy to suppose that these Exchequer bonds would be worth more, except by a mere inappreciable trifle, than the same amount of registered stock, provided they were both issued upon the same conditions. Then how stood this question between the propositions No. 2 and No. 3? The Government brought forward this scheme, and alleged to the public that they might accept 100*l.* stock in No. 3, or 110*l.* stock in No. 2, and that they were equivalent; and they told the House—and he presumed the right hon. Gentleman would tell the Committee—that they considered these two stocks precisely identical and of the same value, and that 30,000,000*l.* of No. 3 would be as likely to be taken as 30,000,000*l.* of No. 2. If that were so, he could only say that the stockholders of this country were in the singular position of knowing no difference between 100*l.* and 110*l.* stock, and between 2*l.* 10*s.* and 2*l.* 15*s.* interest. Then what would be the result? The consequence would be, not as the right hon. Gentleman facetiously observed, that limbs would be broken in the rush for No. 3, but not until No. 2 was exhausted would No. 3 be accepted, and then only in case the demand for transferable bonds should be large enough to induce the fundholder to submit to what would be a great sacrifice as compared with the advantages obtained under No. 2. Even supposing both stocks were wholly taken up, that would not lessen the gross injustice inflicted on the holders of No. 3. He was quite aware of the great importance of the object in view—the creation of a 2½ per cent stock—but he also felt that it was of far greater importance that, unless upon some great national necessity, the capital of the debt should not be increased. He therefore urged upon the Government to at once discard from this clause the proposal or alternative. If they could procure the stockholders to accept a large and substantial amount of stock under No. 1, he would not stop to consider whether the guarantee was of too much money or too long a time (though he believed three or five years hence the Government would probably obtain better terms), because he was of opinion that a great national benefit would be effected, and the amount of the national debt *pro tanto* would be reduced. With regard to Exchequer bonds he felt, in common with the right hon. Gentleman, the great benefit they would confer on the commercial community; but he would suggest for the right hon. Gentleman's consideration whether by issuing so large an amount he would not drive the whole of his Exchequer bills out of the market. He objected to the Bill, in so far as, if passed into law, it would enable the stockholders to exchange their stock against alternative No. 2; and he called upon the Government to do justice to the public by refusing to complete such a disadvantageous and extravagant bargain, and by trying first what might be done to induce the holders of stock to accept the transferable bonds. By that means they would avoid the necessity of increasing the capital of the national debt, would have time to acquire a larger amount of experience than they at present possessed, and would lay the foundation of a 2½ per cent stock, an object which they deemed of such great national importance. He should conclude by moving that the portion of the clause embodying alternative No. 2 be expunged from the Bill.

Amendment proposed, to leave out from the word "Parliament," in line 22, to the word "Parliament," in line 30.

MR. SPOONER said, that every stockholder now of 100*l.* stock would be entitled to receive in hard cash 100*l.*; and what he objected to now was, that at that moment they were going to give to the stockholders, in addition to the 3*l.* per cent which they received, a guarantee of forty years, and in the interim the nation would pay 2*s.* 3*d.* per cent more than it ought to pay. He objected that the hands of the right hon. the Chancellor of the Exchequer should be tied up for so long a period as forty years, and he desired to know how it was that that period had been taken? If the time for redemption had been fixed at a shorter term, it would be much better, and he therefore should propose to the Committee that twenty years be inserted in the place of forty years.

The CHANCELLOR OF THE EXCHEQUER said, if he thought that the proposed guarantee was too favourable to the public creditor, he would at once accede to the Amendment of the hon. and learned Gentleman (Sir F. Kelly); but this was a question of calm, careful, deliberate opinion, and after endeavouring to form the best judgment he could upon it, he was convinced that the guarantee proposed in the Bill was that which the Committee should adopt. The hon. and learned Gentleman opposite appeared to think that no harm would be done by omitting one of the alternatives offered to the holders of stock. He (the Chancellor of the Exchequer) was of an entirely contrary opinion. His view was, that the dignity of Parliament would be lowered by such a proceeding, and that the wisdom of Parliament and of the Government would be exhibited in a somewhat ludicrous and humiliating light, if they came out with offers altogether unequal to the just expectations of the stockholders. An hon. Gentleman (Mr. Laing) near him had given notice of a Motion to limit the amount of stock convertible into the proposed 3½ per cents. He could understand the meaning and object of that Motion, because if their knowledge was limited, it was right they should limit the range of their experiment. All along he had found great difficulty when dealing with this subject, in consequence of the ignorance of the measure which prevailed. The opinions of hon. Gentlemen in that House were all well enough; but those opinions would not help him when he went to the stock market and endeavoured to transact business there. It was, no doubt, very satisfactory to know the opinion of any hon. Member of that House with reference to a subject of such vast importance as the present; but that opinion was as light as a feather in the stock market, and would not, he was afraid, assist him much in his financial operations. But it was important to bear in mind what his proposal really was. They were now about to pay to the holders of 50,000,000*l.* of 3 per cent stock, either perpetual annuities of 3*l.* per cent per annum, or 100*l.* in hard cash, and that 100*l.* not taken piecemeal, but at once, after the expiry of twelve months' notice. They were under such conditions at present, that, unless they could amend them, it was perfectly hopeless and impossible to attempt an opperation upon the capital of the debt. There was no man in his senses who would say, either in the present, or in a more favourable, or indeed in any conceivable, state, that at the end of twelve months' notice they would be prepared to pay up the whole of 500,000,000*l.* of debt. It was, therefore, he came to that House and said, "Let us feel our way gradually—let us proceed upon the principle of varying the terms and conditions on which the public debt is held—let us endeavour to improve them likewise, both as to the rate of interest immediately available, and the plan of subsequent redemption." By adopting that course, they would not subject themselves to the necessity of paying an enormous sum upon twelve months' notice, but would secure terms which, while perfectly fair to the holders of stock, would relieve the public in part from a heavy annual burden. That was a great object of policy. The terms they offered must be liberal, and he believed it would be far better to offer too much than too little. If they offered too much, their experiment was but limited, and when they came to repeat or extend it, they could contract their terms, and take advantage of the experience they had acquired. On the other hand, if they went into the market and offered too little, he had no hesitation in saying that there would be a reaction highly unfavourable to the scheme. What was the purpose of the alternative before the Committee? It was this—that they should say to the holder of 100*l.* of stock, "If you will submit to an annual loss of 2*s.* 3*d.* upon your dividend, and likewise to the acceptance of 82*l.* 10*s.* of capital stock in 3½ per cents, instead of your 100*l.*, we will give you a guarantee for a period of forty years." What did the public gain? It gained an immediate remission of about ⅛th per cent upon the interest, and the chance of the redemption of the capital after forty years, at a reduction of 17*l.* 10*s.* per cent. He was far from saying that the public gained a certainty of redemption at the end of forty years for 82*l.* 10*s.* He thought, judging from experience, that in no long time after the period mentioned, an opportunity for redemption would occur; but he would not say it would occur exactly at the end of forty years. At all events, however, the public gained ⅛th per cent upon the interest, and after forty years the power of redemption, whenever the financial state of the country would enable them to exercise it. He thought that these were very considerable advantages indeed, and for his own part he would not consider it an improvident transaction if the House of Commons were disposed to act upon the whole public debt upon such terms at the present moment; and undoubtedly he should regard the Minister as fortunate who should be the instrument of effecting such an operation. At the same time he did not object to limit the operation for the present, because it would still be in his power to come back to Parliament and ask leave to extend it. He hoped he had now laid the question clearly before the Committee, and he confidently submitted that no case had been made out for diminishing the guarantee proposed in the Bill. If the stock so guaranteed should be taken up by a portion of the present holders of stock, that would not be considered as pledging that House to offer the same guarantee to the rest of the stockholders. The House in that case would as a matter of course improve the terms offered—improve them, he meant, as regarded the interests of the public—but in the meantime, in order that the scheme might be favourably received and established, it was necessary that a good guarantee should be given.

Mr. SPOONER said, he wished to know if the present discussion was limited to the South Sea and other minor stocks, or if it applied to the whole of the 3 per cent stock?

The CHANCELLOR of the EXCHEQUER said, that the clause before the Committee had reference solely to the minor stocks.

Mr. SPOONER said, that under these circumstances he would not press his Amendment, for, while he strongly objected to tying up the hands of the Finance Minister for so long a period as forty years, still he did not think the minor stocks of sufficient importance to justify his intervention at that stage of the discussion.

Sir FITZROY KELLY said, he agreed with the last speaker that it was unnecessary to offer any objection to that part of the Bill which related to the South Sea and minor stocks; but he thought it right to state, for the information of the right hon. Chancellor of the Exchequer, that he should raise the very same question when they came to consider the guarantee for forty years to the 30,000,000*l.* of stock. He coincided in the opinion expressed by the right hon. Gentleman opposite, that it would be better to offer too much than too little; still, he thought the terms proposed were too liberal, and when the proper time arrived he would submit a Motion to the House upon the subject.

The CHANCELLOR OF THE EXCHEQUER said, they were now dealing with the clause which related exclusively to the South Sea and other minor stocks; but it appeared from the statement of the hon. and learned Gentleman opposite, that while he would not object to the 40 years' guarantee in regard to those stocks, he intended to raise the question when the Committee came to consider the more important portions of the scheme. He only desired to point out to the hon. and learned Gentleman that it would be better to discuss the point in connexion with the question he had himself raised with respect to the 2½ per cent stock. The course hitherto pursued had been in strict accordance with established and constitutional usage. Although the Resolutions of the House had no effect in point of law, yet, with regard to the commutation and redemption of stock, the course of proceeding had always been that the Resolutions of the House were acted upon by the parties whose duty it would be, under the Act of Parliament, to give the requisite notice of the redemption. Accordingly, acting strictly upon that principle, Mr. Speaker had communicated to the holders of stock the Resolutions at which the House had arrived. Now the Resolutions ran in these terms—that the holders of minor stock should give notice within a given period of their intention to claim such and such stock in lieu of what they now hold. Their right, therefore, to give such notice had certainly been in existence for a considerable number of days, and although he was not in a condition to say whether any such persons had given such notice, or whether they had even formed an intention to do so, yet he felt himself some doubts and scruples about any interference at all with the terms upon which the House had declared its intention to deal with those minor stocks.

SIR FITZROY KELLY said, he was much astonished at what had just fallen from the right hon. Gentleman. He had understood that some proceeding had been allowed to take place in that House with regard to the notice given to the holders of South Sea and other stocks, and he had asked whether the assent to the giving of that notice implied any assent or sanction to any one of the three alternatives embraced in the Resolutions. He then understood the Chancellor of the Exchequer to answer very satisfactorily that the only notice the House was called upon to sanction was the notice under the Act of Parliament that the stock would be redeemed. Now, if that notice had gone further, and if it had tended to raise expectations on the part of the stockholders that any one of these three alternatives would be open to them, he must say he thought it was very unwise to introduce such an intimation into the notice until one or more of the alternatives had received the direct sanction of the House. With regard to the 10,000,000*l.* of South Sea Stock, he was perfectly content with the alternative No. 1, and the guarantee for forty years, but he could not consent to alternative No. 2, which involved, even as to these 10,000,000*l.*, an increase of the national debt.

MR. HUME said, that it was a somewhat serious matter if the assent which had been given to the Resolutions by the House was to bear the interpretation now put upon it by the right hon. Gentleman the Chancellor of the Exchequer. For his own part, he would have objected to the passing of the Resolution the other night if he had not understood that it was a mere matter of form. This was certainly the first time he had ever heard that Resolutions which were laid upon the table bound the House to any course of proceeding. With respect to the general question, he strongly objected to increasing the capital of the national debt, though the plan now proposed might be safely tried, he thought, as an experiment. He had no objection to a reasonable amount of security being given, and unquestionably there was much truth in the remark of the right hon. Chancellor of the Exchequer that, in order to secure the establishment of the stock, it was necessary to offer superior terms.

The CHANCELLOR OF THE EXCHEQUER said, that both the hon. and learned Gentleman (Sir F. Kelly) and the hon. Member for Montrose (Mr. Hume) had entirely misapprehended him. He never intended to convey the idea that the House had pledged itself to pass the three alternatives embraced in the Bill. What he did say was that legal notice had been given by an officer of that House to the holders of the minor stocks, that certain Resolutions had been adopted by the Committee and reported to the House, so that the parties in question might have time to form their judgments on the subject. That did not bind the House to anything.

Mr. SPOONER said, he would withdraw his Amendment.

The CHANCELLOR of the EXCHEQUER: I regret, Sir, to find, after the very kind manner in which the hon. and learned Gentleman (Sir F. Kelly) has referred to me, and after the favourable terms in which he has spoken of the Bill, that his objections to the scheme are of such a broad and sweeping character. I was at a loss for some time to understand to what part of the plan his objections applied. At one time it appeared as if his objections were limited to the question of the 2½ per cent stock; while at others he described the whole scheme as being impracticable, inexpedient, and unjust. I am bound to say that I think the objections of the hon. and learned Gentleman do really go to the root of the Bill. I think his remarks have been dictated by certain commercial and politico-economical views, which undoubtedly are at variance with mine. The hon. and learned Gentleman appears to think it is perfectly safe to assume, and to act upon it as a practical principle, that we are going to create a great revolution in the value of money. He refers to a state of things forty years ago, when he says the value of money was 5 per cent, whereas it is only now 3 per cent. He infers, therefore, that the value of money will continue to fall, as heretofore, as if the process had been in steady and continuous working from time immemorial. But what is the use of going back only forty years? If you go back at all, you should go a little further. Go back more than 100 years, when, as I stated on a recent occasion in this House, the value of money was less than 3 per cent, and when 3 per cent stock sold in the London market for 106*l.* and 107*l.* Well, that is a most vital fact, and if circumstances had not changed with us, I think the Bill before the House would be a very unwise one. But circumstances have changed, and the fact that the value of money stood at such a rate forty years ago should not deter us from proceeding with the measure now upon the table.

The hon. and learned Gentleman spoke in very vivid and glowing terms of the growing wealth and prosperity of the country. I was surprised and delighted to hear these expressions from the lips of the hon. and learned Gentleman, for I have been under the impression, for some considerable time past, that the hon. and learned Gentleman entertained very different views of the state and prospects of the country, and that he occasionally indulged in such prophecies as only the most melancholy imaginations could conceive with regard to the results of our present mode of commercial legislation, under the influence of which he says England is not only careering along the road to ruin, but has nearly reached the goal. I am glad the hon. and learned Gentleman has seen cause to change his views, though I am afraid he is likely to fall into the other extreme, for he looks not only for the increasing prosperity of the country but likewise for a considerable, continuous, and permanent decline in the value of money. He proposes to legislate upon that consideration, and finds fault with us for giving a forty years' guarantee, by which he thinks we shall cheat ourselves out of a great deal we should otherwise have. I need not say that these are not the views upon which the construction of this Bill has been based. We acknowledge that there is a tendency to depreciation in the value of money, and we seek to avail ourselves of that tendency; but we do not go the length of the hon. and learned Gentleman in his prognostications of the continued fall in the value of money until it reaches a point much below what it is at present; and we think that schemes of a speculative and illusory nature would be injurious to the country and unworthy of Paarliament. The hon. and learned Gentleman spoke for some time in a manner which I could not follow; but I presume his remarks were pointed to the improvement which would be made in the scheme by the omission of one of the alternatives. Now, I think if Parliament were to send me into the money market with a maimed and impracticable scheme in my hand, it would be one of the most unwise things it could possibly do, discreditable to itself, injurious to the public, and destructive of the proposed plan. The discredit to myself I should regard as nothing; but to put the public in such a position before its creditors, I could not but regard as a most unfortunate circumstance. Whatever the Committee decides upon, I do trust it will define to itself clearly the object it proposes by this Bill. If it does not approve of that object, let it reject the Bill altogether; but if it does approve of it, then I hope it will not stint us of the means necessary to the attainment of the object in view. Again, the hon. and learned Gentleman has expressed his dissent from the entire principle of the Bill, and has spoken of the ruinous and extravagant rate of interest, 2*l.* 15*s.*, which we are about to guarantee; and he has likewise referred to the expediency of not increasing the capital of the national debt. These are points upon which I will trouble the Committee with a few remarks farther on; in the meantime I will notice another observation which has fallen from the hon. and learned Gentleman, who insisted that the scope of this measure is to be extended hereafter, and that, if possible, it is to be applied to the whole of the 500,000,000*l.* of debt. Now, here the hon. and learned Gentleman entirely misconceives my position. He says that because I ask you to give me power to operate to the extent of 30,000,000*l.* of the 3 per cent stock, that I may be enabled to ensure the establishment of a 2¾ per cent stock, it therefore follows that when that stock shall have been exhausted, I shall come and request you to authorise me upon the same terms to create more stock. Now, that is an entire misapprehension of the object of this Bill. The object of the Bill so far as regards the 2½ per cents is entirely different. It is to give terms to secure the establishment of the stock, but having established the stock, you may then improve the terms; and so far from asking power to create more stock upon the same terms, I should say, without being able to anticipate the precise course events will take, that it would not be proper to give the same guarantee. The stock once established, you will have standing ground upon which to take up your position in order to extend and increase your financial operations, and you will be in circumstances to create additional stock upon terms more favourable to the public as well as more favourable to the creditor.

The hon. and learned Gentleman has occupied a considerable length of time by frequently reiterating, but not thereby materially strengthening, the assertion that the three proposals, or options, offered to the public creditor are not equivalents, and he accuses me of having said they were equivalents. Now, the hon. and learned Gentleman ought to know perfectly well that when we speak of equivalents in this matter, we do not mean equivalents simply and solely according to arithmetical calculation. Considerations of convenience enter into price; considerations of security enter into price; and we can put into figures the value of a forty years' guarantee, and the value of the power of transferring public securities by an easy and inexpensive mode. When I stated that these things are equivalents, I meant to speak with the submission and the hesitation which every man ought to entertain with regard to his own judgment; but the hon. and learned Gentleman speaks positively on the point, and says there is a very large difference in actual money in favour of the 2½ per cent, and against the 3½ per cent. Proceeding by arithmetic alone, no doubt he was right; but I, of course, consulted actuaries on the point on which the hon. and learned Gentleman is so decided, and the answers I received showed a different opinion to that of the hon. and learned Gentleman. I asked, for example, what was the value of 110*l.* new 2½ per cent stock, irredeemable for forty years; and the answer was 91*l.* 13*s.* 4*d.* I also asked what was the value of 82*l.* 10*s.* in the new 3½ per cents, irredeemable for the same period; and the answer was 96*l.* 5*s.*, the 3½ per cent stock being estimated by the actuary at 4*l.* 11*s.* 8*d.* —in hard money at the present moment—more than the 2½ per cent stock. This 3½ per cent stock, which is supposed to be so absurdly inferior in value that it cannot, according to the hon. and learned Gentleman, be for a moment put in competition with the 2½, is estimated more highly by the actuary of whom I speak. In considering these equivalents, there are, it should be remembered, a great variety of elements which we ought to take into consideration. Some of these elements are certain, some uncertain, and we can only be guided in regard to them by the light of experience. The hon. and learned Gentleman is not satisfied to treat this question, as most people of experience in money matters treat it, as a matter of great difficulty, about which all prospective opinions should be pronounced with great hesitation. He says that this is demonstrated, and that that is demonstrated; and tells us that it is perfectly monstrous, if you can secure the circulation of bonds at 2*l.* 10*s.* for forty years, you should give the holder of stock 2*l.* 15*s.* and then 110*l.* The hon. and learned Gentleman said, "Why not stop at these bonds—you may immortalise yourself by issuing 500,000,000*l.* of Exchequer bonds?" That is the proposition he demonstrated to himself so clearly. I am repeating the words of the hon. and learned Gentleman, who said, "These Exchequer bonds are capable of being floated, or they are not; if they are not, why found expectations upon them? if they are, why not convert the whole of the 3 per cents into them?"—

SIR FITZROY KELLY explained that he had only recommended trying them as far as they could.

The CHANCELLOR OF THE EXCHEQUER: The hon. and learned Gentleman never intimated that there was the slightest difference between the practicability of issuing 20,000,000*l.* of them, and the practicability of issuing 500,000,000*l.* Now, there is a difference, and though they may be useful up to a certain point, and obtain a given price up to that point, we have to ascertain that point and that price by experience. I have, for that reason, only asked your authority to issue them to a limited amount, for to take unlimited power would be to discredit them in the first instance, and would look as if we intended to flood the market. When, however, you have ascertained the wants of the commercial community, you can conduct your future operations accordingly. But the hon. and learned Gentleman goes further, and says it is perfect folly and absurdity to suppose there is any difference in the value of 50*s.* annuity proceeding from registered stock, and Exchequer bonds bearing 50*s.* interest. He says there is no appreciable difference; the prices of those two things —50*s.* secured on Exchequer bonds and 50*s.* on registered stock—would be identical. There again I think he forms his conclusions with a degree of positiveness which would have surprised me if he had dedicated his life to these questions, instead of devoting it to the engrossing labours of his honourable profession, of which he is so deservedly distinguished a member, and in which he has justly acquired so much eminence. It appears to me, on the contrary, that though we cannot at the present moment tell what the value of these funds will be, it is reasonable to suppose that there will be a very considerable value attaching to these Exchequer bonds, from their convenience, over and above what registered stock would have to a certain class of holders. The hon. and learned Gentleman complains, also, that it is not definitely fixed in the Bill on what terms these bonds are to be issued. It appears to me that it would not have been right to fix that. Our duty is to issue, on the best terms that we can; and it was impossible for me to have formed a rational computation beforehand. If I had endeavoured to compute the terms on which they were to be issued, I should have put them too high or too low; the only course was to ask, within reasonable limits, for a discretion when the time came, because we shall then be in a position of fuller knowledge, and shall enjoy fuller means of judgment, than it is possible that we can at the present moment. The hon. and learned Gentleman says it is an object of great importance to create a 2½ per cent stock, but that an object of still greater importance is not to increase the capital of the debt. I am not so sanguine as to hope, by any wholesale and permanent reduction in the value of money, to reduce the debt; but I would readily go this length—that it is most desirable we should introduce into our financial system a stock bearing a rate of interest which, in case the value of money should be subject to favourable alterations, would form a basis for extended operations. I beg the Committee to perceive that they could not make sure of a 2½ per cent stock by means of Exchequer bonds; if we could have done so I never would have troubled you with a 2½ per cent stock, but would have been perfectly satisfied. But the hon. and learned Gentleman must remember that the question of all was whether the bonds should, or should not, be at the expiration of forty-nine years redeemable or not at the option of the holder. If you could get out the bonds irredeemable, then the experiment would have substantially and completely succeeded. Then you would have a substantial basis for the 2½ per cent stock. You would then have standing ground from which to work more extended operations. But it is impossible for any man to say at this moment whether he can do that or not, and I would not advise you to give up the chance of doing it. What I recommend is, do not trust to that chance. This is the reason why Government proposed this 2½ per cent stock, and not at all because they highly estimated the increased nominal capital of the debt. And to this question, the increase of the capital debt, I will now address myself.

It has been always a matter of regret to me that this House has shown apparently an almost complete indifference on the subject of increasing the capital of the debt; but I propose to it at present a moderate increase of the capital debt, and ask the Committee to give the Government power to increase the capital to a very limited extent. This is not because I think it an indifferent matter, but because I and my Colleagues thought the price worth paying for the attainment of a great object of public policy. Our proposal will not merely bring about a reduction of the rate of charges, but an object of public policy will be gained by the establishment of such stock. Let us see, then, whether the House of Commons is prepared to lay down the principle that under no circumstances will it consent to increase the capital of the debt. Will the House of Commons bind itself to borrow always at the current rate of interest, and under no circumstances to increase the capital of the debt? If the House of Commons be ready to adopt that principle, and to adhere to it with firmness, I must confess I think, notwithstanding the temporary inconvenience, the House would have adopted a very wise and patriotic determination, and I should be most unwilling to make any proposal which would stand in the way of such a resolution. The hon. and learned Gentleman has said there is a great constitutional principle involved in our not increasing the capital of the debt; that it is a great constitutional principle not to increase the capital of the debt by borrowing at a rate of interest lower than the current rate of interest. Where did the hon. and learned Gentleman find this great constitutional principle? I must confess myself astonished at the facility with which hon. Gentlemen on convenient occasions (it did not require the ingenuity of the hon. and learned Gentleman to do it) manufacture particular opinions, and declare their maintenance involved great constitutional principles. I think the question of increasing the capital of the national debt is one which involves the exercise of prudence and discretion; but to say it involves a great constitutional principle is, in my opinion, putting it on very novel and much too high grounds. What have you been doing for the last twenty years, and what has the hon. and learned Gentleman been doing? for during a portion of that time he has sat in this House, has heard questions involving this great constitutional principle decided, and large financial operations performed, without once raising his voice against them, though they caused an increase in the capital of the debt. Here is a list of operations since the Peace, in every one of which there was a systematic and habitual increase of the capital of the debt. In April, 1826, they funded 8,000,000*l.* of Exchequer bills, 4 per cent, at 100*l.*, adding 560,000*l.* to the capital of the debt. In 1829 they funded 3,000,000*l.* of Exchequer bills, at 101*l.* 10*s.*, adding 45,000*l.* to the capital of the debt. In August, 1839, they funded 4,900,000*l.* Exchequer bills, at 109*l.* and a fraction, and added 490,000*l.* to the capital of the debt. In 1841, they funded 5,000,000*l.* Exchequer bills, adding 605,000*l.* to the capital of the debt. In 1832–3 they converted no less than 150,000,000*l.* of 5 per cent stock, adding a capital to the debt of 7,500,000*l.* So late as 1847, in the presence of nearly every man now in the House, 8,000,000*l.* of money were borrowed, and 720,000*l.* was added to the capital of the debt. In 1848, 2,000,000*l.* of stock was created, adding 140,000*l.* more to the debt. So that on the whole there has been within the last few years no less than 10,060,000*l.* added to the capital of the debt; and this addition, too, be it remembered, was not to secure a great object of policy, but simply with a view to the reduction of annual charges. So far, therefore, from addition to the capital of the debt being regarded as a perfect monstrosity, it has taken place quietly as a matter of course, and certainly without exciting serious opposition, though the object then in view was only a small and limited saving in the annual charge. For my own part, no alternative has been shown to me which would gain the object of establishihg a 2½ per cent stock, except the creation of a 2½ per cent stock at a premium. Suppose, instead of my coming down to the House with the scheme I have developed, I had asked the House to authorise me to go into the market and offer 2½ per cent stock for what it would fetch, it would in that case have been quite open to the House to object to a plan which would have had the effect of increasing the capital of the debt.

SIR FITZROY KELLY: Not if there was a guarantee.

The CHANCELLOR OF THE EXCHEQUER: If I had asked the House to authorise me to into the market and sell 100*l.* 2½ per cent stock for what it would bring, my opinion was that such a step would increase the capital of the debt a great deal more than would this proposition, for I should not be able to get 100*l.* for it, and must have sold it for its market value. The value in the market would not come so near 100*l.* as 100*l.* was near to 110*l.*, so that that would increase it, not merely by 10 per cent, but by considerably more. One plausible proposition was, that instead of offering to the holder of 3 per cents his option of conversion into 3½ or 2½ per cents, let the Government offer him 50*l.* of the one and 50*l.* of the other for his 100*l.* 3 per cents, and then there would be no increase in the capital of the debt, but rather a small diminution; and, moreover, there would be a 2½ per cent stock, if the operation succeeded. I am, however, afraid that it would not succeed, and therefore I have submitted my scheme with the view of offering different advantages which might suit different parties. In point of fact we must take it either in meal or in malt. If you think it an object of policy to establish a 2½ per cent stock, you must be prepared to pay the price for it—an equivalent price. There is no way to create a 2½ per cent stock but that which I propose, namely, stating plainly, "We give you an amount of stock over and above 100*l.*—we give you a premium on the stock over and above 100*l.*" Either we must do that, or else take the 2½ per cent stock into the market and sell it for what it will bring—a plan which, as I have already said, would increase the nominal capital of the debt more than I propose. This is the plan, and that the alternative. Proceeding on the assumption—an assumption borne out by those who are conversant in these matters—that 2½ per cent stock brought into the market would not sell for ten-eleventh parts of 100*l.*, it is quite clear that if it sold for any less, it would add, in so far, to the capital of the debt. I know but one way in which both these objects can be obtained: first, the creation of a 2½ per cent stock; and, secondly, the prevention of any increase to the capital of the debt. I might say that inasmuch as South Sea and other minor stocks might be converted into 2½ per cent stocks, if it were only the question of amount, I had no objection to reduce the whole sum of 2½ per cents to 20,000,000*l.*, instead of 30,000,000*l.* The main question, as I have stated, is, whether the Committee will, on any consideration, agree to the augmentation of this nominal capital of the debt. In my opinion there is only one way to deal with it. We must elect between abandoning altogether the 2½ per cent stock, and the adoption of this mode of proceeding, to devote to the purpose of the reduction of the debt the annual saving made by the establishment of a 2½ per cent stock. If the Committee chooses to determine that that annual saving shall be so devoted, it will be in its power entirely to prevent any increase, real or nominal, to the capital of the debt. Under the proposed plan the 2½ per cent stock will be dealt with in the market according to the dividend paid upon it; the holder of the stock will have nothing to do with its redemption, it will stand there as 2½ per cent stock. You will provide that in respect of every 3*l.* now payable by the Bank to the holders of Consols, that sum shall be commuted to 2*l.* 15*s.*; the other 5*s.* will be payable to the Commissioners for the Reduction of the National Debt, and these 5*s.* will be applied to the purchase and cancelling of stock, thus completely but gradually extinguishing the nominal capital you now propose to add. Another plan has been proposed, namely, that instead of offering 2½ per cent stock at once, we shall offer stock which for ten years shall be 3 per cent; for ten years more 2¾, and for ten years more 2½; but this operation extended over a period of thirty years will not attain the object I have in view in the establishment of a 2½ per cent stock. If I adopt that plan, I must surrender my policy. Now, if the Committee create a 2½ per cent stock, at the rate of 110*l.* for every 100*l.* Consols, to an extent of 30,000,000*l.*, and 5,000,000*l.* more of minor stocks are converted, that will give us a total of 35,000,000*l.* of 3 per cent stock commuted to 2½. The addition to the capital of the debt as it stands on paper would be 3,500,000*l.*; the saving in the annual charge would be 87,500*l.*; the annual application of 87,500*l.* to the purchase of Consols throughout the whole period of forty-one years, supposing you take one year with another, good and bad times, as they came, and 3 per cents always at par, would cancel each year 87,500*l.* of Consols. The interest of the Consols so cancelled would be 2,625*l.* In the first year then you would save on the new stock created 87,500*l.*; you would buy Consols with it, and the cancelling of the Consols would effect a saving of 2,625*l.* The same amount would be saved the next year and the next, the succession rising gradually by forty-one equal steps to the full annual saving of 87,500*l.*, which it will be seen amounts to 3,587,500*l.*, the sum wanted. In other words, stock to the amount of 3,587,500*l.* would be cancelled. By this plan, though the saving at first will be insignificant, yet it would grow rapidly with the amount of stock cancelled, until it reached the full amount; and at the end of the term there will not be a farthing of nominal capital added to the debt. Thus, by making a sacrifice of the full benefit of the annual saving, and postponing it for this purpose, you will prevent the slightest increase at the expiration of the prescribed period to the nominal capital of the debt. If any plan could be suggested which would carry out the policy we have in view in a manner more entirely free from exception than this, I should be most happy. But no such plan has been suggested. All the plans which have been suggested to me are liable to one fatal objection or other. Either they are plans which nobody could act upon, or they are plans which would not secure the creation of the 2½ per cent stock which I aim at, or plans that would postpone the creation of that stock. If the Committee concur with me in thinking that it is important to create a 2½ per cent stock, I venture respectfully to submit this mode of proceeding, by which you will ensure the creation of that stock. You will by that mode ensure its creation immediately. The operation of the reductions you provide for will not complicate that stock, but will be entirely a separate matter. Your substantial objects will all be gained if the enjoyment of the annual saving shall be postponed. But the policy will be established, and the capital of the debt will not be increased by one farthing. That is a plan which I hope will remove the objections of the hon. and learned Gentleman. If there is any further explanation which I can give, and if I have not succeeded in explaining the matter fully, I shall be happy to do so. My desire is, that the Committee should act in the matter with its eyes open. I can only say that it will be a great satisfaction to me—not a reluctant concession wrung from me—but it will be a great satisfaction to me if the House of Commons is prepared for the future to lay down the principle that it will not consent to any augmentation of the public debt. No one will adopt that principle with greater eagerness than myself. You will never find on my part a disposition to flinch from it. And I now give a test of my sincerity, by tendering a plan which, although its first effect will be to put on paper, certainly, a nominal increase of the debt, will entirely remove that increase at the expiration of the period already mentioned.

Mr. T. BARING said, that under any circumstances he must express his objection to the adoption of a plan which involved the probability or possibility of an increase of the nominal amount of the national debt. He did not think the present circumstances of the country justified such an increase. In his opinion, unless there was a strong ground for increasing the debt, it ought not to be attempted. The right hon. Gentleman the Chancellor of the Exchequer had referred to several cases in which the national debt had been increased —at one time for the funding of Exchequer bills, at another time, shortly after the Peace, to relieve by conversion the charge upon the debt, and subsequently to raise loans for the relief of the West Indians and the relief of Ireland. He did not deny that strong cases might not render it necessary to add to the national debt— such, for instance, as the case of the slaveholding colonies, and the necessity of an advance to relieve the people of Ireland from starvation. He believed that it might be necessary at times considerably to increase the debt in order to relieve the country from certain burdens. Nay more, after any great effort of the country—after a war which involved this country in great cost for national purposes—the country might think it desirable by a commutation or increase of the debt to relieve the taxpayers of the present day. But the present circumstances of the country did not come within any one of those cases. Nay, the right hon. Chancellor of the Exchequer had told the Committee that there was no similarity between the operation which he now proposed, and any of the cases to which he had referred. Was the country in such a state of distress as to require a relief of this description? Hon. Gentlemen opposite declared that the country had never been in such a state of prosperity—that its burdens had never been so light—that it had never been better able to meet its engagements. Was there any reason, then, for adding to the principal of the debt, and casting an additional burden on posterity to relieve the country at the present moment? He agreed with the right hon. Gentleman that it was a legitimate desire to diminish the burden of the debt, if it could be done in a proper manner, by the reduction of the interest of that debt. He was not so sanguine as some Gentlemen seemed to be, that we were approaching the time when there would be a permanent and continued reduction of the current rate of interest; and the whole question turned on that. If the right hon. Gentleman was not convinced that we were in the road of the permanent reduction of interest, he could not be right in proposing a measure involving that reduction. There were two points which must have suggested themselves to the Chancellor of the Exchequer: first, was this the proper moment to reduce the interest? and, secondly, was the mode proposed by him the right one to effect the object which he had in view? With respect to the first point—as to the suitableness of the time selected for the operation—he should differ from the right hon. Gentleman the Chancellor of the Exchequer, with considerable distrust however in his own judgment, because the right hon. Gentleman, by his almost intuitive knowledge of financial questions, and by the special opportunities which he possessed of obtaining accurate information in regard to such questions, must necessarily be the person best qualified to decide on the most favourable moment for carrying out the object which he had then in view. But he (Mr. Baring) would nevertheless confess that he saw symptoms which led him to doubt whether the present period was exactly the one for introducing a 2½ per cent stock into the market. It was true that the right hon. Gentleman might have been encouraged in that undertaking by the success which had attended his reduction of the interest on Exchequer bills to 1½ per cent. But he (Mr. Baring) did not feel sure that that latter operation was not a hazardous one; and he could not help thinking that the right hon. Gentleman might in the month of June find it very difficult to maintain that low rate of interest on those bills. He need not remind the right hon. Gentleman that if his present proposal should not prove to be successful, it would be much better it had never been made; for it would then have the effect of needlessly unsettling men's minds, and giving a stimulus to all kinds of schemes which no one could regret more than the right hon. Gentleman himself. [The CHANCELLOR of the EXCHEQUER: Hear, hear!] Whether that was or was not the right moment for the adoption of such a scheme, he must bow to the decision of the right hon. Gentleman. But then came the question—was the mode which he had selected the best he could have chosen? Now, without wishing to say anything derogatory to the knowledge and the talents of the right hon. Gentleman, he must confess that when the Resolutions first came into his hands, he was at a loss to understand what the right hon. Gentleman intended to do. They contained a little of everything. The first Resolution seemed to be framed for the purpose of reducing the debt, the next for increasing the debt, and the third for leaving the debt just where it was. The right hon. Gentleman said he wished to consult people's tastes. Now, he (Mr. Baring) doubted whether, in financial questions, the Chancellor of the Exchequer ought to do otherwise than form his own opinion as to his own object, and carry it into effect by the most simple propositions. But in the present case he considered the right hon. Gentleman's propositions far too complicated. He ought to have made up his mind whether it was worth while to increase the debt for the purpose of diminishing the interest, and simply to have made that proposal—or he ought to have proposed a reduction of the nominal amount of the debt, by a guarantee of the existing interest, or nearly the existing interest. The right hon. Gentleman proposed, under these circumstances, and with an increase of the principal of the debt, to issue a 2½ per cent stock. To that proposal he (Mr. Baring) had a very strong objection, because it involved an increase of the national debt without a strong or valid reason. The right hon. Gentleman said he was disposed to reduce the amount of 2½ per cent stock to 20,000,000*l*. Now, the more the right hon. Gentleman reduced the amount of stock, the more limited he would make the market, and the less likely would he be to succeed in his operation. The price of the stock would depend entirely upon the market, and a too limited amount would counteract the object which the right hon. Gentleman had in view. The right hon. Gentleman said if the Committee would agree to it he was willing to apply the sum which he would save in the shape of interest to the creation of a sinking fund, which would provent the future increase of the capital of the debt. Now, he (Mr. Baring) was very much afraid that in moments of distress and pressure the sinking fund would be destroyed, and that the debt would be permanently increased. He should also remind the right hon. Gentleman that there was one point which he seemed to have omitted from his calculations. In his financial statement on Monday evening, he had reckoned on a saving of 100,000*l.* from the proposal then before the Committee; but that saving could not be effected if the reduction of the interest on the debt were to be applied to the creation of a sinking fund. That was a point of some importance, as the right hon. Gentleman had allowed himself, in his financial statement, a surplus of only 493,000*l.* Of that sum 200,000*l.* was derived from casual sources; and as he would diminish the remaining 293,000*l.* by a sum of 100,000*l.*, he would have a surplus of only 193,000*l.* derived from permanent items of taxation. It appeared to him, therefore, that that was a state of things which it would not be desirable to establish. The right hon. Gentleman had suggested a number of plans of his own, and had promised to take into consideration a number of others which had been suggested to him. His plan appeared to be a complication of schemes—a most ingenious puzzle; and he did not think they would be able to understand what they were required to vote upon. With respect to the third proposal of the right hon. Gentleman—the proposal for the issuing of a number of transferable bonds—he should say that he could see no objection to such a scheme, although he believed it would be impossible to decide at present whether the right hon. Gentleman would find for those bonds as great a demand as that which he anticipated. The whole success of the scheme depended on this—were the people holding stock so frightened at the danger of reduction—did they anticipate so permanent a reduction in the rate of interest that at a year's notice they would convert their 3 per cents into a fund bearing a less interest? He was totally at a loss to understand the calculations of the actuary to whom the right hon. Gentleman had referred, because, if he meant to say that 110*l.* stock, bearing 2½ per cent, was only worth 91¾*l.*, it was absurd, if 3½ per cent stock at 82*l.* 10*s.* was worth 97*l.* The right hon. Gentleman thought the bonds would bear an extraordinary value on account of the power of transferring them without any formality beyond that of passing them from hand to hand. But it had been stated that the very same kind of commodity existed in France and Holland, and bore about the same value as ordinary stock. Why, then, should any difference exist here? He thought they would circulate in competition with the debentures of first-rate railway companies, which gave a higher rate of interest with undoubted security. The right hon. Gentleman said they would be easier to borrow upon than other commodities. Now he (Mr. Baring) doubted that assertion. Men borrowed on those commodities which were most easily saleable, and he believed that a man would be able to borrow more easily upon the old 3 per cents than upon transferable bonds. As to the difficulty of transferring stock for the purpose of obtaining temporary loans, every one knew that it was of no importance at all. The right hon. Gentleman imagined that he would find great markets in Liverpool, Manchester, and Leeds; but the transactions in such towns were very much guided by the London prices, and the facility of the electric telegraph rendered the transfer most easy, wherever the bonds might be. He considered the plan of the right hon. Gentleman too complicated. But his great objection was the unnecessary increase which it would cause in the national debt. He did not think such an increase at this particular time at all justifiable. Whatever might be the talents of a Chancellor of the Exchequer, he did not think the Committee ought to follow him in making such experiments. His belief was, that while we ought to be economical in our expenditure and chary in our taxation, we ought not to indulge in that worst of all extravagances—the increase of our liabilities and engagements; we ought not, in attempting to create a market for 2½ per cents, to commit ourselves to an increase of 10,000,000*l.*—to an amount originally proposed without any limit. But whether the amount should be 10,000,000*l.* or 50,000,000*l.* the principle was the same; and he should regret to see a British Parliament, and a Committee of the House of Commons, hold up to the world that in the time of our prosperity we were disposed, under no emergency, for no very great result, to sanction a principle which he considered most objectionable, he had almost said dishonest.

Mr. W. WILLIAMS said, that if the right hon. Chancellor of the Exchequer now succeeded in breaking down a portion of the 500,000,000*l.* of 3 per cents, he would be enabled, at no very distant time, to effect possibly a reduction of the remainder. He (Mr. Williams) could scarcely imagine a state of things in which the funds would be sufficiently high to enable a Chancellor of the Exchequer to effect a reduction of interest on the whole of that amount. If the right hon. Gentleman could succeed in operating on any considerable portion in the first instance, they might hope at no distant time for some such operation as that by which the right hon. Member for Cambridge University (Mr. Goulburn) had effected his conversion in 1844. It might be said that even if the right hon. Gentleman succeeded with 100,000,000*l.*, there would still be 400,000,000*l.* to attack. But then it should be recollected that a vast proportion of that amount was in the hands of parties who could not become dissentients. Taking the proposition of the right hon. Gentleman as a whole, and so ultimately to reach the remainder of the debt, it was in his opinion the interest of the Committee to support it.

Mr. LAING said, that the subject under discussion was reduced to a simple issue, namely, whether it was or was not desirable to create a 2½ per cent permanent stock, to serve as a barometer to test the public credit. If so, it was necessary to pay a price to effect the operation, and the only question was how that price was to be paid. The object of the Chancellor of the Exchequer was the most economical mode of purchasing it. If he were to sell 2½ per cent stock in the market at a discount, or borrow the money, he would certainly increase the national debt by a much larger sum than it was now proposed to do. The only remaining question was whether we would pay the price which the operation would cost, or throw it on posterity. It was contended by the hon. and learned Gentleman (Sir F. Kelly), who opened the debate with so much ability, that the new stock would present such superior advantages, that no one would be found to take Exchequer bonds. In this opinion he did not agree, for it was the opinion of all the practical men with whom he had conversed on the subject, that Exchequer bonds would be more in demand than any other kind of stock offered by this conversion, and that it would command a higher price, and would become the favourite stock of the two. Although he did not think the present was a convenient time for settling the conversion of the whole debt, yet he believed it was favourable for laying the foundation of a siege which might lead to a successful capitulation. If by this experiment they were enabled to lay the foundation of a conversion, he thought they might ultimately be in a position to effect a considerable reduction of our national burdens. He was of opinion, that although the discoveries of gold in Australia and California might produce a revolution in financial affairs, still he did not think they would effect such a change that money would never be dear again. It was quite possible that in ten or twelve years we might find ourselves in one of those cycles of prosperity, when we might be enabled to effect a very considerable conversion of the public debt. If so, much credit would be due to the Chancellor of the Exchequer, who had the boldness and confidence to propose such important changes.

Captain LAFFAN said, that, however desirable it might be, even on a small scale, to create the 2½ per cent stock, and let it go into the market, yet it appeared to be completely settled that the advantage was not to counterbalance the greater disadvantage, in fact and in feeling, of adding to the nominal amount of the debt. He must confess he felt some surprise at the statement of the right hon. Chancellor of the Exchequer, that when the first and second propositions were submitted to an actuary, he had declared that the comparative value of the two propositions was, that the 110*l.* stock paying 2½ per cent, redeemable forty years hence, was worth 91*l.* 13*s.* 4*d.*, and the 82*l.* 10*s.* stock paying 3½ per cent, also redeemable at the same period, was worth 96*l.* 5*s.* 8*d.*, being equal to 4*l.* 11*s.* 8*d.* in favour of the 82*l.* 10*s.* 3½ per cent stock. He (Capt. Laffan) was at a loss to find upon what calculations these conclusions were drawn, because, from a calculation he had made by the ordinary rules of mathematics, he had arrived at a different result. If the right hon. Gentleman had stated the nature of the case which had been submitted to the actuary, then the Committee would have had an opportunity of forming a better estimate as to the correctness of the conclusions he had drawn. From calculations which he had made, he found that 91*l.* 13*s.* 4*d.* was the same stock which represented a perpetual annuity of 2*l.* 15*s.*, and that 96*l.* 5*s.* 8*d.* was the stock which represented a perpetual annuity of 2*l.* 17*s.* 9*d.*, therefore the question submitted by the Government to the actuary must have been, what was the value of a perpetual annuity of 2*l.* 15*s.*, and of a perpetual annuity of 2*l.* 17*s.* 9*d.* Consols, being in both cases at par? There was only one other point to which he wished to refer, and that was with reference to the price at which the Government were to issue

Exchequer bonds. He found on looking to the 32d clause of the Bill that no sum was named at which the Chancellor of the Exchequer was to issue them, and this was a point on which the Committee ought to have some information.

Mr. J. B. SMITH said, he thought the right hon. Chancellor of the Exchequer had very properly availed himself of the present opportunity of abundance of money and the prosperity of the country to make an effort for the reduction of the interest on the national debt. The only question was, as to the best means of doing so. As to the first proposition, of offering 3½ per cent upon a stock of 82*l.* 10*s.*, he saw no objection to that scheme, and he thought the right hon. Gentleman might have gone further in the same direction. He thought the time was come when they ought to make some effort for reducing the capital of the debt, and extinguishing it, if possible. He believed the public were prepared even to make some temporary sacrifice in order to gain that important object. As to the second proposition, that of the 2¼ per cent stock, he had an insuperable objection to the increase of the capital of the debt. But the right hon. Gentleman proposed to capitalise the difference between the 2*l.* 15*s.* he proposed to pay, and the 3*l.* we were paying now. He approved of that proposition, and he thought the right hon. Gentleman might carry the principle further, and by extending the period to ninety-one years, he might convert the whole into terminable annuities. But the whole question was so important that he thought a Committee should be appointed to try and discover some scheme by which the debt could be reduced with advantage equally to the creditor and to the nation. With regard to the 2½ per cent scheme, he certainly was in favour of the plan now proposed, that the difference between the 3 per cent stock and the 2½ should be capitalised, so that at the end of the forty years the nominal capital would be extinguished. He was happy to see that the right hon. Gentleman had seen the folly of his predecessors in adding to the capital of the debt, and he was therefore surprised he had fallen into the very course which he had himself deprecated. With regard to the Exchequer bonds, he thought it would be a most useful description of stock; but it was impossible to state whether they would circulate beyond a limited extent, until it was known whether at the end of the forty years they were to be payable at the option of the holder or of the Government. He was strongly in favour of their being payable at the option of the Government; but he would prefer having a Committee appointed to consider the whole question.

Mr. J. A. SMITH said, he was glad to hear the observations of the hon. Gentleman who last addressed the Committee, He could not help thinking, little as he agreed with most of what had fallen from the hon. Member for Huntingdon (Mr. T. Baring), that there was too much truth in his observation that that House had been too indifferent to the subject of the reduction of the debt. He regretted that more had not been done in that direction, and that more attention had not been paid to the subject of terminable annuities. He cordially agreed with the hon. Gentleman the Member for Stockport (Mr. J. B. Smith), that the public would gladly submit to some temporary sacrifice in order to obtain the benefit of having the debt reduced at some fixed period. Let hon. Gentlemen consider that the keystone of the operations by which the right hon. Gentleman the Chancellor of the Exchequer proposed to get rid of the income tax in 1860 was the falling in of an amount of terminable annuities at that period, and they would see the full importance of this question. With regard to the subject before the House, he regretted that the hon. Member for Huntingdon, whose intimate acquaintance with the subject was so well known, had not alluded to one particular point on which the whole importance of the 2½ per cent stock depended. It was known to the hon. Gentleman, and to every one acquainted with the subject, that it was of the utmost importance to begin the creation of a 2½ per cent stock. Unless that were done, the conversion of the debt into a lower description of stock would be prevented, or at least would be considerably delayed. He appealed to the right hon. Member for the University of Cambridge (Mr. Goulburn) for the confirmation of this opinion, that it was of the utmost importance, in reference to the reduction of the annual charge, that a 2½ per cent stock should be created. If this experiment succeeded, it would be open to the Chancellor of the Exchequer, in case the present prosperity and ease in the money market continued, to go on with a further reduction of stock at 107½, or 110*l.* for every 100*l.*; for though he was not so sanguine as some hon. Gentlemen, yet he could not deny the possibility of a further reduction in the value of money, and he thought it was the duty of the Government to be open to take the advantage of it. And, therefore, though he agreed in all that had been said respecting the impropriety of adding to the nominal capital of the debt, still, as he regarded this as a step in the right direction, he could not but cordially wish the experiment all success.

Mr. HUME said, he had heard with much satisfaction the statement of the right hon. Chancellor of the Exchequer, and he hoped he had put that statement on record in the form of a Resolution—that on no occasion should loans be raised lower than the current rate of interest, so as to add to the capital. On every occasion that the Chancellor of the Exchequer referred to, where that had been done, his voice had been raised against it. But the question now before them was, whether this $\frac{1}{4}$ per cent, which was to be raised by the transaction, should be established as a sinking fund. He confessed a good deal of his objections were removed if that were done. He had no objection to the first proposition before the Committee, that of the $3\frac{1}{2}$ per cent stock; and he would willingly see that carried to any extent, and he would very gladly see a large portion of the debt converted into terminable annuities. With regard to the sinking fund of the $\frac{1}{4}$ per cent, one might say what did they gain by it? Why, they admitted this —the establishment of a $2\frac{1}{2}$ per cent stock; and he thought the experiment was worth the risk.

Mr. WILKINSON said, they had before them two propositions. The one was a good bargain for the stockholder, but a bad one for the public; while the other was a bad bargain for the stockholder, but a good one for the public. It did not require much forethought to know which of them the stockholder would prefer. He did not think that the creation of a $2\frac{1}{2}$ per cent stock was of so much advantage as some hon. Gentlemen supposed; and with regard to the Exchequer bonds, if these were not redeemed at the option of the holder, he was afraid they would not float. Upon the whole, he thought it was yet too soon to attempt a conversion of the debt.

Mr. J. B. SMITH said, he wished to ask if the right hon. Chancellor of the Exchequer had any objection to lay on the table the calculation of the actuary which he had read to the Committee, with the question on which it was founded? He could not help thinking that it must have been founded on some mistake.

Mr. J. A. Smith

The CHANCELLOR of the EXCHEQUER said, he quoted the answer of the actuary in answer to some observations of the hon. Gentleman opposite. His object was to show that there were elements in the calculation which were not reducible to figures, and he said that in what was reducible to figures, if the premises were so and so, then the results would be so and so. But the actuary did not undertake to calculate the risk of redemption from one year to another, as that must depend upon questions of war or peace—upon the ease and prosperity of the country, or the reverse. He had only to say, in answer to the question of the hon. Member for Montrose (Mr. Hume), that he was prepared to bring up a clause which would give effect to the proposition he recommended.

Mr. DISRAELI: Sir, when this question came before us first in the shape of a Resolution, as it is now in the shape of a Bill, the general impression was that Her Majesty's Government were about to deal with the great body of the public debt. That was the general impression. The sum that was to come under the immediate or contingent operation of the measure, whether in Consols or other denominations of stock, would be about 500,000,000*l.* sterling, and there can be no doubt that when that impression first went abroad it was very startling. The subject was one of immense interest—as, of course, the unlimited conversion of the national debt must be considered, and if even on a limited scale, it is still of considerable importance. The popular idea on this subject is, that, at some happy moment, the Minister might reduce the rate of interest, if not altogether immediately, yet partially, and ultimately, to the rate of $2\frac{1}{2}$ per cent; and no doubt the effects of that operation would be considerable. Let the Committee bear in mind what the effect would be. Instead of paying, as we do now, the sum of 15,000,000*l.* sterling a year, we should save 2,500,000*l.*, and we should only pay 12,500,000*l.* a year, and of course the country would anticipate from that operation the great and beneficial effects which would accrue from such a reduction of the national burdens. Now, let us see what will be the saving gained by this proposition of the Government. The plan has been slightly altered since I entered the House, but perhaps the Committee will allow me to read the sketch I made upon the proposition as it originally stood. I take the 30,000,000*l.* 3 per cent Consols to be converted into new 110*l.*; I take the 30,000,000*l.* of the New Exchequer Bonds, and the 440,000,000*l.* to be converted into capital at the rate of 82*l.* 10*s.* per 100*l.*, making altogether 500,000,000*l.*, for which we now pay 15,000,000*l.* interest per annum. If the plan of the Minister be completed—and I presume to impress on the Committee that it is of the utmost importance in the consideration of these financial projects that we should consider them as complete—the effect would be this, that 30,000,000*l.* at 110*l.*, paying interest at 2*l.* 15*s.*, would amount to 866,000*l.* in round numbers; that 30,000,000*l.* of Exchequer bonds at 2*l.* 15*s.* would be 825,000*l.*; and the 440,000,000*l.* with interest, 2*l.* 17*s.* 9*d.*, would be 12,705,000*l.*, making altogether interest to the amount of 14,396,000*l.* Now, deducting that from 15,000,000*l.*, which we are now paying, there would be an annual saving of 600,000*l.* in round numbers. If the result were that these Exchequer bonds should displace Exchequer bills, there might be a considerable loss. But I will not take that as the probable or even possible result. If, then, the plan of the Government be carried into full effect, the result would be that this amount of annual charge would be guaranteed for forty years; that for all that time there could be no possible action on the debt, with the exception of a slight reduction on the Exchequer bonds; so that, with that exception, for forty years there could be no greater reduction than this 600,000*l.* a year.

Now, I beg the Committee, before they decide on this proposition, to follow me while I put before them, as briefly as I can, some notes I have made of preceding operations on the national debt, and contrast the amount saved to the country by preceding operations with the project of the right hon. Gentleman now placed before us. In 1717, when the first conversion of the debt was made by Sir Robert Walpole, he dealt with dividends amounting, in round numbers, to 1,500,000*l.*; the amount of dividends now to be dealt with is 15,000,000*l.* The saving effected by Sir Robert Walpole in that 1,500,000*l.* was 324,000*l.* a year. The saving now to be effected upon 15,000,000*l.* is only 600,000*l.* a year. That is an important consideration—one on which the Committee will not deem it inexpedient to reflect; and there was no specification in the Act of 1717 for any guarantee of the interest, which is an important point in all our calculations. If, then, you contrast the project of the right hon. Gentleman the Chancellor of the Exchequer with the plan of Sir Robert Walpole in 1717, it is clear that we do not by the present plan effect an arrangement that is nearly half so beneficial to the country. There was a further reduction of debt from 5 to 4 per cent in the 1st of George II. By it a saving of 340,000*l.* a year was effected—more than half of the saving which is now proposed to be effected—and in this case, also, there was no guarantee. I am anxious to impress this fact upon the Committee, because the guarantee is here one of the most important elements in our calculation. Now I will take the conversion of debt which occurred in 1749, and which was effected by Mr. Pelham. He reduced the debt from 4 to 3 per cent, and the saving in that case was 565,000*l.*; nearly as great a saving as will be effected if the whole of the present project be carried into effect. I believe that Mr. Pelham did give in this instance—I am speaking from memory—but I believe he did give a guarantee of seven years; but still that was a very limited guarantee in comparison with the guarantee of forty years to which our attention is now called. In all these conversions, then, the terms contrast favourably with those to which our attention is called by the present Minister. We approach now to more modern times—to the year 1822, when Mr. Vansittart effected a reduction of interest from 5 to 4 per cent. Let us see the capital with which he dealt, the saving which he effected, and let us consider the saving which is now proposed to be made. He had to deal with a debt of 159,000,000*l.*, and the saving which he effected amounted to 1,200,000*l.*—that is to say, double the amount which Her Majesty's Ministers pretend by their present project to save. The consideration then given was a bonus of 5 per cent, making 4,400,000*l.*—a sum not much differing in amount from that which the right hon. Gentleman has given as an alternative; and the guarantee in this case, though it occurred so recently as 1822, was only for seven years. The Committee will observe that in all these conversions of debt, from the first effected by Sir Robert Walpole to the last in 1822, the terms and the results were extremely different from those now under our consideration. If you look to the guarantee—and it is most important you should look to the guarantee—you find that it is limited, that it was given with hesitation, and that its termination was within the immediate experience of the generation that dealt with the operation. In 1824 a further amount of the capital debt was dealt with equal to 76,000,000*l.*, and the saving effected was about 400,000 a year — a considerable sum, especially when you contrast the capital dealt with, with the amount of 500,000,000*l.*, upon which a saving of only 600,000*l.* is to be effected. The guarantee in 1824 was only for five years.

The Committee will observe that, with the experience amounting to nearly a century in these financial conversions, the Legislature acted with respect to guarantees with so much caution, and with such a deep persuasion of the responsibility of undertaking such an engagement, that before that period the guarantees never exceeded seven years, and that in 1824, after the financial experience of the French revolution, and of Mr. Pitt, the only guarantee given was for five years. These are important facts for the Committee to bear in mind, because, although it may not at first sight seem that a guarantee is an engagement of so much importance, it will ultimately be found to be a considerable element in all these arrangements. In 1830 there was a conversion effected, which was the first of those great operations which will ever render the name of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) memorable in the financial history of this country. The right hon. Gentleman then dealt with a capital of 153,000,000*l.*, and effected an annual saving of 750,000*l.* a year, and the consideration given was a guarantee of 3¼ per cent for ten years. An option was also given of 70*l.* of a 5 per cent stock—an arrangement somewhat similar to the proposition of the first alternative of the present Chancellor of the Exchequer—and it is a remarkable circumstance that the amount of that stock subscribed for did not exceed the small sum of 500,000*l.* In 1834 there was a small reduction, to which I will not further allude than to say that the principle of a guarantee was again applied, but only for six years. In 1844 there was the great reduction effected by the right hon. Member for the University of Cambridge. A capital was then dealt with of nearly 250,000,000*l.*—half of the large amount which is—I will not say now under our consideration—but which forms the subject of our speculative anxiety. The consideration given was a guarantee of 3¼ per cent for ten years, and of 3 per cent for twenty years after, that is to say, that after the year 1854 there was a further guarantee for twenty years at the rate of 3 per cent; but in that great and successful operation the united guarantee only reached to thirty years.

Let me now place before the Committee the remarkable circumstances which contrast that period with the present. In 1844, when the right hon. Gentleman made those conversions, Consols were at 3*l.* 1*s*, per cent interest, Exchequer bills were at 2*l.* 4*s*., the balance in the Exchequer was 4,700,000*l.*, the floating debt was between 17,000,000*l.* and 19,000,000*l.*, the capital, as I have previously stated, dealt with by the right hon. Member for the University of Cambridge was 250,000,000*l.*, the immediate saving was 600,000*l.*, and the ultimate saving 1,200,000*l.* a year. What is our position now in these respects? Instead of Consols being at 98½, they are above par; Exchequer bills, instead of bearing 2*l.* 4*s.* per cent, now bear only 1*l.* 10*s.* 5*d.*; the balances of the Exchequer are, instead of 4,700,000*l.*, nearly double that amount; while the floating debt is actually lower at present than in 1844. Notwithstanding that the Chancellor of the Exchequer is thus dealing with the debt under so much more favourable circumstances, he only effects a saving of 600,000*l.* upon 500,000,000*l.* of the debt, and this too with a guarantee which will prevent him from operating on that large amount for forty years. What are the general circumstances of the country which can induce the Committee to authorise an arrangement which appears on the surface so improvident and so limited in its results as that which I have contrasted with all the operations which have preceded it? Is the rate of interest higher? Is the country less prosperous than at those times? The interest upon our floating debt is lower; the balances in the Exchequer are greater, the interest of money is lower, yet the right hon. the Chancellor of the Exchequer proposes an immense financial operation, which, if you pursue it to its possible termination—and unless it effects such results it is scarcely worth the discussion it is undergoing—only contemplates a saving to the country of 600,000*l.* a year for forty years. What I also object to in the propositions before the Committee is, that the right hon. Gentleman has himself settled the terms upon which these operations, possibly of so great an extent, and which influence so greatly the circumstances of the time, should be made. In my opinion it is the duty of a person in the position of the Chancellor of the Exchequer, wishing to effect such an object, rather to throw upon the public creditor the responsibility of offering terms which might be agreeable to him, than to come down to this House and peremptorily say, "These are the terms which I lay down, and these are the terms only which I can accept." The right hon. Gentleman says, "You may impugn the validity of my reasoning, and the position which I have adopted with respect to this question; but I have a sovereign object to obtain—I want to establish a 2½ per cent stock." I think the hon. Member for Lambeth (Mr. Wilkinson) touched that point in a proper manner. Nothing can be more important than a 2½ per cent stock, if you can obtain it by legitimate means, and if a 2½ per cent stock is the natural consequence of your financial condition. But there is nothing magical in a 2½ per cent stock. A 2½ per cent stock can be created and established at any time, if you choose to pay for it. If this is to be a factitious result, an artificial consequence, there is no Finance Minister, even in a time of war, when money is scarce and interest is high, who could not create a 2½ per cent stock, if he chose to do so. The question, of course, for the Committee is, what are the terms by which it is proposed this costly consequence may be best accomplished? I freely admit that it is the first duty of a Minister of Finance to consider the question of the interest of the public debt; and I think it is highly to the credit of the right hon. Gentleman that he has given all the energies of his able and creative mind to this subject. But the right hon. Gentleman knows full well that there is no great originality in attempting to deal with such a subject. The question is, how to deal with it at the right time, and to be able to deal with it in a manner in which you may effect your ultimate purpose. Now, the right hon. Gentleman has in this instance been ingenious, but premature. It is totally impossible, by any combination, however clever, by any device, however complicated and ingenious, to make the public creditor take a lower rate of interest than the state of the money market will authorise. It is quite impossible to suppose that you can succeed in digging "pitfalls" and making snares for the public creditor. There is not a more crafty creature in existence than the public creditor. You may give him all the alternatives which an ingenious mind can conceive, but the public creditor has a test for the value of his debt, and he will go to Capel Court, and will there find out exactly what his money is worth in the market. This brings me to a point which I think the Committee ought fairly to consider before it agrees to any of these proposed arrangements. You may rely upon it that all indirect attempts to deal with the public debt—I will not say will always fail, but will always be difficult, and that your arrangements as a general rule, on that subject, should be simple. If the state of the money market is such that you can deal directly with the rate of interest, it is unnecessary for us to enter at all into the subject; but if, from particular circumstances—the amount of the debt which you propose to act upon, and the artificial safeguards which surround it—you do not consider yourself justified in acting directly upon it, and must act indirectly, there is no more legitimate means, if you wish to establish a 2½ per cent stock, than by going fairly to the public and saying, "We want to establish a 2½ per cent stock, what is the guarantee in the present state of the money market, with 3 per cent as the established rate of interest, which you would require from the country for the establishment of this stock?" That is a simple proposition which the country would understand. It is possible that they might ask from you a very long guarantee, for aught I know longer than even forty years; but then you would be in a clear position of considering whether it was expedient, wise, and politic to grant such a guarantee; and that brings us to the important question of what are the prospects as to the rate of interest of money in this country. I will not now enter into any speculations on this subject; it is a question which has engaged the attention, not only in this but in other countries, of some of the deepest thinkers and profoundest political economists and inquirers into monetary matters who have, perhaps, ever flourished. But no one can deny that there are new phenomena in the present day with respect to these subjects which no previous Minister of Finance had ever had to deal with. When the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) proposed his great financial scheme, he knew what was the probable amount of the precious metals in the world. He knew pretty well what had been the cycles of commercial prosperity and adversity to which reference has been made this evening, he had naturally considered in all its ramifications, and all its possible results and bearings, the important question of terminable annuities. What are the present circumstances? Is there anybody who can calculate the present amount of the precious metals in the world, or what it will be in forty, thirty, twenty, or even ten years hence? The question of terminable annuities, to which the hon. Member opposite (Mr. J. B. Smith) has given in his adhesion to-night, while he at the same time recommended that the whole subject should be referred to a Select Committee—no great compliment, by the way, to the right hon. Gentleman the Chancellor of the Exchequer—has assumed a very different character in the estimation of some of the most important thinkers since the metallic discoveries; and it has become a question whether we should deal with that willingness with which we should have done ten years ago, with the conversion of the national debt into terminable annuities. My opinion is, that the country is not prepared to make any sacrifice at all upon the subject: it is rather disposed to watch what may be the consequences of these important changes which are rapidly and daily occurring. I will not presume to give an opinion upon the subject. All I ask the Committee to do is to remember that we are living in the midst of great changes, and that before these great changes took place the most successful Chancellor of the Exchequer never contemplated the guarantee of interest beyond twenty years, and that now, in the midst of phenomena which are perplexing our profoundest thinkers and most experienced statesmen, and agitating the hearts and exciting the hopes of nations and communities, we are called upon to enter into a guarantee for forty years at a rate of interest for a conversion which, if carried into complete effect and if perfectly fulfilled, will save only to the country 600,000*l.* a year. Under these circumstances I think I am only doing my duty when I entreat the Committee to pause before they sanction this operation. I will not go into that important question, which greatly interests the public mind, and which has already greatly influenced the Committee, namely, whether we ought to increase the capital of the national debt. I do not think there are two opinions on the subject. Why, then, do you do it? What are we to gain by it? Are you in war—or in danger? Is Ireland starving? Is there a famine in the land? Are there any of these conjunctures, exigencies, or emergencies which might authorise you to do that which philosophy might condemn, but which the strong necessity of life must force you to adopt? The Committee is asked now to consent to increase the national debt merely for a financial caprice, and in order to gratify a laudable humour, but still for nothing which is either peremptory or urgent. This point has been so well urged by others that I do not press it. What, however, I do press upon the Committee is the absolute necessity of considering the nature of the guarantee—that that guarantee may be even of greater importance than the rate of interest itself—and that this is not the time when a guarantee of forty years fixing the rate of interest should be made. With these grave objections to the measure, I do not think the Committee are taking a very unfriendly part towards the Government if they ask them to pause, in order to reconsider the Resolutions. What has taken place with respect to these Resolutions since they were first introduced into this House? There have been already five important changes made in them. The right hon. Gentleman came down to the House, and, taking us somewhat by surprise, gave notice for a Committee to consider the Acts relating to the public debt. We all remember the excitement that was produced by that announcement. The Resolutions were circulated on the following day. In the first alternative the Resolution was as it now appears in the Bill before the Committee. The second Resolution, which was to establish this great desideratum of a $2\frac{1}{2}$ per cent stock, was of an unlimited character, and would have extended to the whole debt. Great consternation, therefore, prevailed on the subject of the second alternative. The leading journal of the day announced to the country that there was a proposition to increase the national debt by the amount of 50,000,000*l.* When we came down to the House to consider these Resolutions, by the courtesy of the hon. Member the

Secretary to the Treasury, a second edition of the Resolutions was put into my hands, while he informed me, at the same time, that there were a few trifling alterations proposed to be made. Upon casting my eyes over the amended Resolutions I saw that the very subject which had agitated the City of London, and had created such consternation, had disappeared, and the second alternative was to be limited in its operation. I do not say the limit was not wise, discreet, and proper; but surely, irrespective of the fact that it is always as well to have time to consider Resolutions of this character, the very fact that before we had had any opportunities for considering them, so great an alteration should have taken place, was some reason why ample time should have been given not merely for the House, but for the Government, to consider the Resolutions to be submitted. In addition to the first proposal, of limiting the 2½ per cent stock to 30,000,000*l.*, another great change has now been introduced, by which the 3½ per cent stock has been limited also to 30,000,000*l.* The circumstances of this alteration, however, have been satisfactorily explained by the Chancellor of the Exchequer—at least satisfactorily to me—and we may therefore say that this is the first night of the Resolutions being discussed. I understand, also, that there has been a third proposition made to-night, namely, that in order to meet the great objection felt against the consequences of the second alternative, namely, the increase of the national debt, an amount of 3,000,000*l.* or 4,000,000*l.* should be funded for the purpose of forming a "sinking fund." On such a proposition two considerations very naturally occur. In the first place, is it wise that there should be a "sinking fund" established upon such a principle? Are we, in 1853, to be borrowing with one hand, in order to pay with the other? Is it, in an age of financial reform, that you are to re-establish such a sinking fund? There is also another important consideration—when such announcements are made without notice, what effect will such a sinking fund have on the financial estimate offered by the right hon. Gentleman the other night? The hon. Gentleman the Member for Huntingdon (Mr. T. Baring), who always addresses this House with that authority which his great talents and experience command, called the attention of the Committee and the country to the financial consequences of the sudden change—a change not announced when the House met this evening, but in the heat of debate. My hon. Friend called attention to the financial consequences of the change, to the consequences on the surplus—for we have a surplus—of 460,000*l.* We have 460,000*l.*, 100,000*l.* of which is formed by a possible saving of interest of the public debt if this plan of 2½ per cents is adopted.

The CHANCELLOR of the EXCHEQUER was here understood to remark, that the surplus was derived from the whole operation of his scheme.

Mr. DISRAELI: Whether the amount of saving was on the whole, or on only part, of the propositions, the result is the same so far as my argument is concerned. How the right hon. Gentleman's surplus is made, from what source it is derived, and how formed—if it is only 460,000*l.*—I cannot congratulate him on it, for I recollect the time when such a surplus would not have been received with much satisfaction. But we have already three important changes in an important measure, which by an unusual ebullition of temper on the part of the noble Lord (Lord J. Russell), and an unintentional mistake on the part of the right hon. Gentleman, we are not allowed to discuss. Not only has the limit of the 2½ per cents been placed at 30,000,000*l.*, and a similar limit placed upon the 3½ per cents, and a sinking fund been proposed, but a fourth proposition had been made to-night, by which the 2½ stock was to be limited to 25,000,000*l.*, and not to 30,000,000*l.* as at first proposed. I do not say that these changes are not wise, discreet, and proper, but I think they show clearly that the scheme has not been sufficiently matured, and that there has not been given to the subject that consideration, that large devotion of time and thought, which becomes a question of this nature; and that when a Minister of Finance and his Colleagues deal with so vast a question as the public debt, and deal with it unnecessarily, it is just as well that the proposition which they put before the Committee should show some better evidence of consideration and of care. All I want to do is this—I do not want to make unnecessarily a party division on the subject; but I ask the right hon. Gentleman not to precipitate this question, and to give it further consideration, and not to let us be forced to vote on the Amendment of my hon. and learned Friend (Sir F. Kelly). What is that Amendment? It is one which says virtually that in all these changes and conversions of the public funds, and reduction of the public interest, it is not wise, expedient, or politic, to increase the capital account of the public debt in this country. If there is a division I must vote for the Amendment, for the sake of the principle which it enunciates, and which I think is a sound and salutary one. But I say at the same time I hope to be prevented from that division, by the right hon. the Chancellor of the Exchequer telling us —and it is no great condescension—that he will give to this subject more time and more thought than it has yet apparently received.

Mr. GOULBURN: Sir, I must return to the right hon. Gentleman the Member for Buckinghamshire my thanks for the complimentary expressions he has used towards me respecting my conduct when in office. I fear that I shall make but an unworthy return, for it will be my duty, in commenting upon his speech, to use that freedom of speech which is the privilege of hon. Members of this House in the discharge of their public duty. The right hon. Gentleman began his speech by telling us what was the state of public opinion upon the subject of the reduction of the national debt. He told us that there prevailed among the public a general opinion that we could at once deal with 500,000,000*l*. of debt, and effect a great reduction of interest. I will not dispute with the right hon. Gentleman whether that is a correct view of public opinion upon the subject; but I will say, whatever public opinion may be, if it is in error upon subjects of this kind, it is our duty, as representatives of the people, to bring the matter so fairly before them in our discussions as to correct their errors by our superior knowledge, and afford to the people, what they are always ready to accept, accurate information as to what is our true financial situation. In this I think the right hon. Gentleman has failed. The right hon. Gentleman thought it right to consider the proposition of my right hon. Friend as a measure which was absolutely complete; and he made a statement of what, in his opinion, would be the very limited results of it. He stated what my right hon. Friend was to save by these arrangements—that he would save so much of annual interest upon 30,000,000*l*. of Exchequer bonds, and so much on 30,000,000*l*. of $2\frac{1}{2}$ per cent stock, and upon the remainder when the conversion of 440,000,000*l*. of 3 per cents into $3\frac{1}{2}$ per cents should be carried; and then he triumphantly exclaimed, "a saving of 600,000*l*. only in annual interest!" The right hon. Gentleman must have forgotten that he was sitting by the side of my hon. and learned Friend (Sir F. Kelly), whose argument has been, that what we were to seek to obtain was a reduction of the capital of the national debt. If in this view 440,000,000*l*. of the present debt is to be converted into $3\frac{1}{2}$ per cent stock at 82*l*. 10*s*. per cent, the right hon. Gentleman ought to have stated the reduction of capital by that operation as one of the financial results of the scheme, in order that the Committee might have had before it, not merely the amount of annual interest that would be saved, but the amount of capital that would be reduced—an advantage which I should have thought the right hon. Gentleman would be one of the first to admit. But the right hon. Gentleman, anxious to depreciate the value of the measure of my right hon. Friend, endeavoured to do so by contrasting the saving of annual interest which it would effect with that effected by antecedent measures of a similar nature, and he began with the Administration of Sir Robert Walpole. He told us that Sir Robert Walpole, upon a limited amount of debt, the interest upon which was 1,200,000*l*., effected a reduction of 300,000*l*. The right hon. Gentleman's own statement ought to have shown him he was making a representation which could not be applicable to the present case. The whole sum, he said, which Sir Robert Walpole was dealing with was 1,200,000*l*., and he effected a saving of 300,000*l*., or one-fourth of the whole. Now, how was that effected? Why, in Sir Robert Walpole's time the debt was paying 6 or 7 per cent interest, and when you reduce from 6 or 7 per cent to 5 or 4, of course you make a larger saving than when you reduce the interest from 3 per cent to $2\frac{1}{2}$. The same principle applies to some of the succeeding reductions to which the right hon. Gentleman adverted. There were reductions from 5 per cent to 4, and from 4 to $3\frac{1}{2}$; and if you are to suppose, and the country is to be led to suppose, that as you advance in the reduction of the debt you can in each succeeding stage realise the same actual amount of saving, I say, so far from correcting public opinion, the right hon. Gentleman is disseminating through the public a most grievous cause of error and general dissatisfaction. Let us put the most favourable case. Let us suppose the interest of the debt reduced to 1 per cent, and hon. Gentlemen wish to make a further reduction. Do you expect you could make a saving of 2 or of 1 per cent? It is an absurdity. I say, therefore, that the contrast of the right hon. Gentleman as to the actual amount saved in each case is not only fallacious, but that it cannot escape without the public being convinced of its error. Then the right hon. Gentleman, in order to contrast former measures with that of my right hon. Friend the Chancellor of the Exchequer, came down to the period at which Mr. Vansittart, afterwards Lord Bexley, effected a reduction. He admitted that Lord Bexley did at that time give a guarantee to a certain extent; but he told us—what I was surprised to hear from a right hon. Gentleman who had filled the office which he has filled—that Lord Bexley never increased the capital of the public debt by the measures he proposed with a view to reduction of interest. Why, in the year 1824, Lord Bexley gave 138*l.* 3 per cents for every 100*l.* 5 per cents, thus increasing the public debt—not by a trifling sum, but by no less than 38 per cent—upon the whole of the operation. So far, then, as the case of Lord Bexley goes in opposition to my right hon. Friend, put in its most exaggerated form, the reductions which he proposes will fairly bear comparison.

Mr. DISRAELI: I was referring to, and I mentioned, the amount of the bonus given by Lord Bexley.

Mr. GOULBURN: I am referring to the operation of the year 1824. Then the right hon. Gentleman came down to the period in which it was my own fortune to effect a large reduction of the debt under circumstances peculiarly favourable to such an operation; and he states that a guarantee was given at that period, that there should be no further reduction until a certain period had elapsed, but that it was comparatively short as compared with that which my right hon. Friend now proposes. Now what I have already stated as to the reduction of interest, applies to the question of guarantee. As you advance in the reduction of interest on the debt—that is, as you require those who have a smaller interest to make a considerable sacrifice—you must offer them some corresponding advantage in order to induce them to accept the terms you propose, for if you propose to make any considerable reduction, without some corresponding advantage of this sort, you will fail in the operation. I believe that if in 1844 I had not given the protection of thirty years' guarantee to the holders of the 3½ per cents from the period at which the Bill passed, the measure I introduced, which Parliament was pleased to sanction, and which was so successful, would probably have been a failure. But there are particular reasons, it is said, why guarantees are objectionable; and I will admit, for the sake of argument, they are. But there are circumstances why the guarantee until the year 1894 carries no apprehension in the mind of any man who calculates rationally as to the probability of the future. Take the proposition of my right hon. Friend the Chancellor of the Exchequer. Suppose he said the whole 500,000,000*l.* ought to come under the arrangement, which I do not think he apprehends as likely to take place; but suppose it does take place, and the stock is irredeemable until 1894, and there are then 500,000,000*l*, of stock upon which you can operate—will that interefere with the reduction of the national burdens? Quite the reverse. In the year 1874 you have 250,000,000*l.* which will, at that time be released from guarantee, and upon which you may reduce the interest with advantage, because having such a sum to deal with it will be much easier to manage than it would be upon the enormous amount of the total sum. Having the advantage, under the arrangements of 1844, of 250,000,000*l.* open to reduction in 1874, it is no disadvantage that the remainder of the national debt should not be redeemable till 1894, and that you may then deal with it without twelve months' notice The right hon. Gentleman (Mr. Disraeli) stated that there is a great resemblance between the present period and that when the last reduction was effected; but I am sure he will give me leave to dissent from that proposition. In the two cases in which I dealt with the public debt, I had to deal with a debt which with the exception of a small portion, was entirely open to reduction without any notice whatever. I had nothing to do but to signify to the public the terms which the Government were prepared to take, and to ask those who dissented to state the fact of their dissent. There was no difficulty, therefore, when the proposition was made, as to the moment at which it could be adopted; the public debt did not run any hazard during the intervening period which might arise from an altered state of the country; from apprehensions of war, or disturbances abroad, or anything which might disturb financial arrangements. But at the present period we stand in a totally different situation. We have this 500,000,000*l.* of debt upon which we are anxious to reduce the interest. Upon the Consolidated Annuities we are bound to give the holders twelve months' notice; and as my right hon. Friend has said, "Where is the Minister who will dare, in the present state of the world, to say that, twelve months after such a notice being given, he will be prepared to redeem 300,000,000*l.* of debt?" The Reduced Annuities stand upon a different footing. Here you are obliged to give six months' notice of reduction; but he must be a bold Minister who would undertake, this day six months, to say that the state of our monetary condition would enable him to effect the reduction. The difference between the two positions, then, is this—that in 1844 the Government had the power of free action without the risk of intervening circumstances, whilst at this moment they have no power of action at all beyond that of holding out such terms as the public may be willing to accept, from time to time as circumstances may render it advisable. This is the justification of the measure brought in by my right hon. Friend. He did not urge it as a measure to effect larger reductions in the national debt upon the moment; but he said, and said truly, "There is in the present state of the monetary transactions of the world, a prospect of the terms which the Government can hold out, of the holders of the irredeemable debt transferring their claims into a debt which may become redeemable being accepted; and I will recommend the House to adopt my proposition." And in putting forth that proposition my right hon. Friend was justified in offering a variety of propositions, any of which holders may accept. It is quite true, as the right hon. Gentleman the Member for Buckinghamshire says, there is no more wary animal than the gentleman upon the Stock Exchange; he is able to calculate accurately the chances of profit he may derive from one stock or another, and he will probably outwit the public in the particular bargain which he makes. But, on the other hand, these gentlemen, wary as they are, are of different classes, and the stock which suits one individual may not suit another; and there are advantages unconnected with pecuniary profit which will make one or other of the stocks acceptable to the public. This is also a justification of the measure of my right hon. Friend. Shackled as he is, unable to compel the reduction of interest with respect to those who hold in the 3 per cents Consols and in the Reduced, he has no alternative but, by yielding some advantage, to induce them voluntarily to accept either one alternative or the other. The right hon. Gentleman (Mr. Disraeli), concurs with those who have expressed the opinion that it is of the highest importance to establish a 2¼ per cent stock. The question then is, what is the price it is desirable to pay for an advantage of this description? Some Gentlemen have said they did not see the particular advantage of it. But I think it must be apparent. To myself it comes with the strongest force, because if there had not been a 3½ per cent stock when I effected the reduction of the 4 per cents, I should have been embarrassed with greater difficulties in the execution of the measure than I actually found. The question then is, is the price which my right hon. Friend proposes, of 10 per cent upon the capital to be created, more than the advantage he is likely to derive from the creation of 30,000,000*l.* of 2½ per cent stock? My right hon. Friend has suggested, if it be thought inexpedient to increase the capital of the debt, that the object may be easily accomplished by an arrangement which, while it gives 2*l.* 10*s.* per cent to the public creditor, would place in the hands of the Commissioners for the Reduction of the National Debt the surplus interest which would more than replace the capital which the public might be called upon ultimately to redeem. Whether it will be the pleasure of the Committee to adopt that suggestion or not, I will not say. If you take the whole interest there is an increase of surplus which will render a larger sum available for the reduction of the national debt, the saving upon the particular debt being in addition to the surplus from which debt is to be redeemed; but do you wish to have a separate account upon the 2½ per cent stock alone, my right hon. Friend has no objection. This will, therefore, obviate the feelings of those who, frightened at a name rather than a reality, are anxious to avoid anything like an increase to the capital of the national debt. But the right hon. Gentleman (Mr. Disraeli), says my right hon. Friend has been premature in his proposition; that he ought to have waited for some future and more favourable period when he might have effected a greater reduction. I wish the right hon. Gentleman had prefigured the period at which he thought it safe that the Chancellor of the Exchequer might give the six or twelve months' notice that stockholders in the 3 per cents would be paid off. If you cannot designate such a period, the sooner you give them the option of converting their stock voluntarily, the better for the country. It has also been objected by the right hon. Gentleman that changes have been made in this measure during its progress. I am aware it is easy where alterations are made to inculpate those who made the original proposition; but I am quite unable to judge of what is the utility of going into Committee at all if it be not to receive suggestions; and, if they are not inconsistent with the principle, and do not interfere with its action, to adopt them. The notice of the limitation upon the 3½ per cent stock did not affect the principle of the Bill. So it was with the sinking fund of 2½ per cent. This was far from infringing on the principle of the Bill, or affecting its operation. The right hon. Gentleman concluded by adverting to the smallness of the surplus provided by the Budget; but he will permit me to say I did not expect such an observation from such a quarter. At all events my right hon. Friend has this advantage, that his surplus is derived from legitimate sources. It is not derived from the application of funds which do not form part of the revenue of the country. I shall sit down by expressing my confidence in the experiment which my right hon. Friend is about to make. I trust the Committee will sanction it, for by accepting it they will, in a greater or less degree, be laying the foundation for future reductions of the national debt.

Sir JOHN PAKINGTON said, that after the able manner in which the subject had been discussed, it would be presumptuous in him to detain the Committee for more than a few minutes. He wished to advert, however, to what had fallen from the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), and he was the more desirous of doing so because he agreed with his right hon. Friend (Mr. Disraeli) in attaching the greatest weight to whatever fell from the right hon. Gentleman on financial subjects. The right hon. Gentleman (Mr. Goulburn) had hardly acted fairly in reproaching his (Sir J. Pakington's) right hon. Friend (Mr. Disraeli) for having omitted to state the bonus which Lord Bexley offered to the stockholders. His right hon. Friend had mentioned the bonus of 5 per cent which Lord Bexley gave in 1822, when dealing with the large sum of 159,000,000*l*. But what was the amount in question when the 38 per cent was given? Why, only 1,000,000*l*. With that view he should refer to what fell from the right hon. Gentleman the Member for the University of Cambridge in 1844, when he proposed his most important operation in reducing the 3½ per cents. The right hon. Gentleman now said he thought the Chancellor of the Exchequer right in submitting to Parliament and the country several alterations, but that was not the course pursued by the right hon. Gentleman in 1844. On referring to the speech of the right hon. Gentleman he found the plan of the 2½ per cent stock, now produced by the Chancellor of the Exchequer, as nearly the same as possible under the different circumstances of the case. The very same plan now proposed for the forcible reduction of the 3 per cents was then suggested by the right hon. Gentleman as one of the possible plans in reducing the 3½ per cents. The right hon. Gentleman said—

> "Another plan, very much entertained by the public, and on which much has been said in its favour, is to create a 2½ per cent stock, and to give the holder of every 100*l*. in the 3½ per cents such an amount of the 2½ per cent stock as will produce an interest of 3 per cent per annum."—[3 *Hansard*, lxxiii. 737.]

At another part of his speech the right hon. Gentleman said—

> "Another principle on which I am determined to act is this—that I do not think it just to purchase present advantage at the expense of burdens to be sustained by those who come after. I think with respect to debts incurred in case of war, it is quite legitimate that posterity should bear their share of the burdens. But to incur additional debt in times of peace, and thus burden those who come afterwards, with the view of obtaining greater relief for ourselves, is a course which I say I myself reprobate, and I am sure when I mention it I shall meet with the general concurrence of those who hear me."—[3 *Hansard*, lxxiii. 737.]

The right hon. Gentleman then mentioned that the amount of additional debt in that case would be 50,000,000*l*. As the Chancellor of the Exchequer introduced this scheme, the addition to the debt would have been just the same; but one of the many modifications was to limit the issue to 30,000,000*l*., and now he understood that it was to be still further reduced to 25,000,000*l*. Whether it was to be 30,000,000*l*. or 25,000,000*l*. at first, he understood the scheme was put forward as an experiment to be further extended, supposing it proved acceptable to the public. The right hon. Gentleman the Member for the University of Cambridge, in the same speech said—

> "A great nation like this may hereafter be engaged in wars and beset with difficulties, and, under necessity, obliged to recur to the money market to support so large an expenditure, and whatever desire there may be to effect an immediate saving, I say that to march on in such a course would be fatal to the permanent interests of the country."—[3 *Hansard*, lxxiii. 738.]

He thought no language so strong had been used on this occasion on that side of the House. The right hon. Gentleman, as he understood, distinctly said, in 1844, that the principle which the Chancellor of the Exchequer now adopted was a principle which he then declared he must reprobate, and to march on in such a course would be fatal to the permanent interests of the country. Such being the plan of the Chancellor of the Exchequer, he could not help claiming the opinion of the right hon. Gentleman the Member for the University of Cambridge. He understood the right hon. Gentleman held a different opinion to-night, and believing it fair to choose between the opinion of 1844 and the opinion now, he was glad to find his views supported by so high an authority as the right hon. Gentleman.

SIR FITZROY KELLY said, he wished to set himself right on certain points adverted to by the right hon. Gentleman the Chancellor of the Exchequer; but, first, it was essential to notice an incidental point which had arisen with reference to the statement of the right hon. Gentleman on Monday night. He certainly understood the right hon. Gentlemen to say on that occasion that there would be a saving of 100,000*l.* by the operation of the Bill. Of course he did not imagine, nor did he know that any one imagined, that the right hon. Gentleman sought to identify that particular sum of 100,000*l.* to be saved with 100,000*l.*, part of the surplus anticipated in the present year. But, if he understood the statement of the right hon. Gentleman, the deduction of 100,000*l.* from the credit side of the Government account would reduce by 100,000*l.* the surplus anticipated, and would reduce the receipts of the Exchequer during the whole period this operation remained in force. And now, if he understood correctly the statement of the right hon. Gentleman, the 100,000*l.* would not be entirely taken away, but would be reduced by a sum of 87,000*l.* a year, supposing the substitution of one plan for the other, as the right hon. Gentleman had to-night agreed. The right hon. Gentleman had also appeared to imagine that he had entertained and expressed a very strong opinion as to the early probability of a reduction of interest on the capital of the country. He begged to say he had not presumed to express—he could hardly venture to say he had formed—any conclusive opinion on that subject. But that there was a general and extensive, and perhaps a well-founded expectation in the mercantile community, and in the public mind, that a very considerable reduction in the interest of money would shortly take place, was conclusively proved by the very ingenious and exact calculation of the right hon. Gentleman himself on a former occasion, by which it appeared that the mere guarantee of the 3 per cent stock, which existed and was payable for twenty years, was worth some 3*l.* on every 100*l.* If the assurance of 3*l.* per cent interest remaining unchanged for twenty years was worth 3 per cent, it was not extravagant to anticipate a great change would shortly take place. The proposal of the right hon. Gentleman mitigated, but did not entirely remove, the objections, to which all the Committee seemed to have acceded, on the increase in the capital amount of the debt. That plan still left wholly unaffected one great objection—that an undue and extravagant amount of interest, and for an unreasonable period of guarantee, was proposed by this bargain. And on this point he appealed to hon. Members opposite, who seemed occasionally to assume the special office of guardians of the public purse, if they could sanction the proposition of the right hon. Chancellor of the Exchequer. The right hon. Gentleman charged him with having expressed himself with undue confidence in the expression of his opinions. If he had done so, with a single exception he regretted it; and that exception, from which he did not at all feel disposed to shrink, was in expressing his belief that no man having 100*l.* to invest in one or the other of these proposed stocks, would invest it for the receipt of 2*l.* 10*s.* interest with a capital of 100*l.*, if he could obtain 2*l.* 15*s.* with a capital of 110*l.* The right hon. Gentleman had entirely misapprehended the observations he had made on the subject of the transferable bonds, seeming to suppose that he had expressed an opinion that the bonds might be issued to an unlimited extent; what he said was the very reverse—that he believed none of the bonds would be accepted by the public, so long as anything remained to be accepted under the two other alternatives offered by the Bill, The right hon. Gentleman still persisted in arguing that there was something in the nature of these transferable bonds that would confer so great a value on them as to make the propositions No. 2 and No. 3 identical, and had omitted to notice his statement, confirmed by his hon. Friend the Member for Huntingdon (Mr. T. Baring), that in all the countries where similar bonds existed they were precisely at the same price and of the same value as registered stock. Upon what ground, therefore, the right hon. Gentleman could imagine that when he should issue these bonds they would be at a premium of some 10 per cent, to say nothing of the difference of interest below stock of the same character, he was at a loss to imagine. He felt that every object the right hon. Gentleman had in view could be effected without resorting to this proposed extravagant bargain, and without increasing the national debt. If the right hon. Gentleman was correct in believing that these Exchequer bonds would be accepted by the public, the state of the money market, and the credit of the country, must be such that he could obtain at least 30,000,000*l.* at 2½ per cent; and the only question would be, whether the guarantee was for a sufficiently long period of time. If the state of the money market was such that he could issue 30,000,000*l.* of transferable bonds at 2½ per cent, he might make the experiment of creating a 2½ per cent stock by the issue of Exchequer bonds, placing them on the same footing as in other countries, where they were convertible at the pleasure of the holder, into registered stock, and registered stock was convertible into these bonds, at the pleasure of the holders. Insomuch as he understood the Chancellor of the Exchequer still persevered in the second branch of this clause, namely, that part which proposed to create a 2½ per cent stock upon capital of 110*l.* and guaranteed interest for forty years of 2*l.* 15*s.*; and inasmuch as, independently of the objection that it would increase the national debt, that appeared to him a bargain most unjust, and most extravagant as against the State; and in favour of the public creditor, he should oppose the clause and divide the Committee upon it.

Question put, "That the words proposed to be left out stand part of the clause."

The Committee *divided*:—Ayes 234; Noes 175: Majority 59.

List of the Ayes.

A'Court, C. H. W.
Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Anson, hon. Gen.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Barnes, T.
Beckett, W.
Bell, J.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Bethell, R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Brand, hon. H.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Burke, Sir T. J.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Caulfeild, Col. J. M.
Cavendish, hon. G.
Chambers, M.
Chambers, T.
Chaplin, W. J.
Charteris, hon. F.
Christy, S.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Collier, R. P.
Compton, H. C.
Corry, rt. hon. H. L.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crossley, F.
Crowder, R. B.
Currie, R.
Dalrymple, Visct.
Dering, Sir E.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncombe, hon. W. E.
Dunlop, A. M.
East, Sir J. B.
Egerton, Sir P.
Ellice, rt. hon. E.
Elliot, hon. J. E.
Emlyn, Visct.
Esmonde, J.
Evans, Sir De L.
Evans, W.
Ewart, W.
Fagan, W.
Feilden, M. J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, W. R. S.
Fitzroy, hon. H.
Forster, M.
Forster, C.
Fox, W. J.
Freestun, Col.
Gardner, R.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goodman, Sir G.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Gregson, S.
Grenfell, C. W.
Hanmer, Sir J.
Harcourt, Col.
Hastie, A.
Hayes, Sir E.
Headlam, T. E.
Heard, J. I.
Heathcoat, J.
Heathcote, G. H.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Howard, Lord E.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ireton, S.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Keating, H. S.
Kershaw, J.
Kinnaird, hon. A. F.
Laing, S.
Langton, H. G.
Lawley, hon. F. C.
Legh, G. C.
Lewis, rt. hon. Sir T. F.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.

Lovaine, Lord
Loveden, P.
Lowe, R.
Luce, T.
Mackie, J.
MacGregor, J.
M'Taggart, Sir J.
Mangles, R. D.
Manners, Lord G.
Massey, W. N.
Matheson, A.
Matheson, Sir J.
Maule, hon. Col.
Miall, E.
Milligan, R.
Milner, W. M. E.
Milnes, R. M.
Molesworth, rt. hn. Sir W.
Moncreiff, J.
Monsell, W.
Moreton, Lord
Morris, D.
Mulgrave, Earl of
Mure, Col.
Murphy, F. S.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, C.
O'Brien, P.
O'Brien, Sir T.
O'Connell, M.
O'Flaherty, A.
Osborne, R.
Otway, A. J.
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Phillips, J. H.
Phillimore, J. G.
Phillimore, R. J.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portal, M.
Power, N.
Pritchard, J.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sawle, C. B. G.
Scobell, Capt.
Scully, F.
Seymour, Lord
Seymour, W. D.
Shelburne, Earl of
Shelley, Sir J. V.
Smith, J. A.
Smith, J. B.
Smith, rt. hon. R. V.
Smyth, J. G.
Smollett, A.
Stafford, Marq. of
Stanley, hon. W. O.
Stapleton, J.
Stirling, W.
Strutt, rt. hon. E.
Stuart, H.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Towneley, C.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Wall, C. B.
Walmsley, Sir J.
Warner, E.
Wellesley, Lord C.
Wells, W.
West, F. R.
Whalley, G. H.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.
Hayter, W. G.
Berkeley, C. G.

List of the NOES.

Adderley, C. B.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Arkwright, G.
Bagge, W.
Baillie, H. J.
Baird, J.
Ball, E.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Bentinck, Lord H.
Bentinck, G. P.
Beresford, rt. hon. W.
Blair, Col.
Bowyer, G.
Brady, J.
Brisco, M.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Butt, G. M.
Butt, I.
Cairns, H. M.
Carnac, Sir J. R.
Chelsea, Visct.
Child, S.
Christopher, rt. hon. R. A.
Clinton, Lord C. P.
Clive, R.
Cobbett, J. M.
Cobbold, J. C.
Codrington, Sir W.
Conolly, T.
Coote, Sir C. H.
Cubitt, Mr. Ald.
Davison, R.
Devereux, J. T.
Disraeli, rt. hon. B.
Dod, J. W.
Duncombe, hon. A.
Dunne, Col.
Egerton, W. T.
Egerton, E. C.
Emley, Visct.
Evelyn, W. J.
Farnham, E. B.
Fellowes, E.
Floyer, J.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
French, F.
Freshfield, J. W.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
Gore, W. O.
Graham, Lord M. W.
Greaves, E.
Greenall, G.
Greene, J.
Greville, Col. F
Grogan, E.
Gwyn, H.
Halford, Sir H.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hanbury, hon. C. S. B.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Hotham, Lord
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Kendall, N.
Kennedy, T.
King, J. K.
Knight, F. W.
Knox, hon. W. S.
Lacon, Sir E.
Laffan, R. M.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, H. G.
Lockhart, W.
Lucas, F.
Lytton, Sir G. E. L. B.
Macartney, G.
MacGregor, J.
M'Mahon, P.
Maguire, J. F.
Malins, R.
Mandeville, Visct.
Manners, Lord J.
March, Earl of
Mare, C. J.
Masterman, J.
Maxwell, hon. J. P.
Miles, W.
Michell, W.
Mitchell, T. A.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Moore, G. H.
Moore, R. S.
Morgan, O.
Morgan, C. R.
Mullings, J. R.
Muntz, G. F.
Murrough, J. P.
Naas, Lord.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
Ossulston, Lord
Packe, C. W.
Pakington, rt. hn. Sir J.
Palmer, R.
Peacocke, G. M. W.
Percy, hon. J. W.
Potter, R.
Prime, R.
Repton, G. W. J.
Robertson, P. F.
Rolt, P.
Sandars, G.
Smith, W. M.
Smyth, R. J.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stephenson, R.
Sullivan, M.
Swift, R.
Thesiger, Sir F.
Thompson, Ald.
Tollemache, J.
Tomline, G.
Tudway, R. C.
Turner, C.
Tyler, Sir G.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vivian, J. E.
Vyse, Capt. H.
Walcott, Adm.
Walpole, rt. hon. S. H.
Whiteside, J.
Whitmore, H.
Williams, T. P.
Wodehouse, E.
Wyndham, Gen.
Wynn, H. W. W.
Wynne, W. W. E.
Yorke, hon. F. T.

TELLERS.
Mackenzie W. F.
Taylor, Col.

Clause *agreed to;* as were also Clauses 3 to 31 inclusive.

Clause 32.

CAPTAIN LAFFAN said, he begged to ask whether the right hon. Chancellor of the Exchequer, would have any objection to insert in it a provise that no issue of these bonds should take place under par?

The CHANCELLOR OF THE EXCHEQUER said, he thought it would be better not to insert such a proviso, but to leave the matter to the discretion of the Government. At the same there was no doubt it would not be desirable to issue these bonds much below par.

MR. T. BARING said, that if there was an impression that these bonds would be issued under par, it would have an unfavourable effect upon the subscription.

MR. GLYN said, that he had no doubt these bonds were likely to be exceedingly popular, though no doubt they were open to objection, arising from the risk attendant on the transfer of a document payable to bearer, as many of them might eventually get into the hands of trustees, who would naturally object to hold documents which did not give them that security for which, as trustees, they had a right to look. He thought it would be desirable that a power should be given to trustees to have these documents written up as stock on handing them into the Exchequer.

The CHANCELLOR OF THE EXCHEQUER said, that the Bill would give not only to trustees, but to all persons who held these bonds, the power to convert them into stock whenever they pleased.

Clause *agreed to;* as were also the remaining clauses of the Bill.

House resumed; Bill *reported.*

DOCKYARD APPOINTMENTS AND PROMOTIONS—MR. STAFFORD.

SIR BENJAMIN HALL said, he would now beg to nominate the Select Committee on Dockyard Appointments: namely, Sir Benjamin Hall, Lord Seymour, Lord Hotham, Sir Henry Ferguson Davie, and Mr. Beckett.

MR. NEWDEGATE said, he must protest that the course taken by the House in this matter was extremely unfair, and calculated to establish a most mischievous precedent. The whole case stated by the hon. Member for Marylebone had been sifted by a Committee of that House already, as it related to his hon. Friend, the late Secretary to the Admiralty (Mr. Stafford), whose public character and whose private honour had been so grossly impugned by the *Times* newspaper, on the evidence given before the Committee appointed to try the Chatham Election Petition, which evidence that Committee had subsequently denounced as perjured. Both the noble Lord opposite and the First Lord of the Admiralty had completely exculpated his hon. Friend from the imputations which had been so shamefully cast upon him in the *Times,* so far as his honour was assailed. Yet, notwithstanding that vindication, and after the House had agreed to the appointment of this second Committee, the *Times* had ventured to publish another article, as grossly as before impugning the character and the personal honour of his hon. Friend. Thus, in the first instance, the *Times* had attempted to dictate to a tribunal appointed by that House, and sworn to decide according to the evidence adduced before them; and now, again, that journal sought to prejudge the case, even before the nomination of the Committee which it was proposed then to nominate for the purpose of further inquiry. He had felt it to be his duty to call the attention of the House to this conduct on the part of the *Times,* because, while he desired not to ignore the power of the public press, when properly exercised, he wished to note that conduct as a flagrant abuse of the privileges of the press. As to the Committee, the nomination of which was now proposed, he must remark, that here was a case which had been already tried by a tribunal duly appointed by the House, which had taken evidence on oath. Much of that evidence, so taken, the Committee had denounced as of the worst character, yet now the House had appointed another Committee, before which the same evidence would be received, and before which the calumnies against his hon. Friend, who, before the previous Committee had been checked by the fear of the consequences of perjury, would be renewed and exaggerated, the fear of perjury being removed by the absence of power on the part of this second Committee to examine upon oath. A feeling of delicacy, of false delicacy, on the part of the late Government, and a similar feeling on the part of the present Government, had prevented them, though satisfied that the imputations against his hon. Friend were unfounded, from courageously objecting to the appointment of this second Committee; and thus a tissue of calumnies would, without fear of consequences, be brought before that

Committee, by witnesses not worthy of credence, against his hon. Friend, and find their way to the records of that House. He feared there was no remedy for the evil now, if the House would not reconsider its determination to appoint this Committee; but, as an independent Member of the House, and as a Member of the Chatham Election Committee, he felt it to be his duty to declare his opinion of the injustice of this proceeding.

Mr. STAFFORD begged to say that, so far from regretting the appointment of this Committee, he rejoiced at it, and he should go before the Committee, constituted as the hon. Baronet proposed, with the most entire confidence that he should fully absolve himself upon the charges that had been made against him.

The Committee was then appointed with power to send for persons, papers and records.

The House adjourned at a quarter after Twelve o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, April 25, 1853.

Minutes,] *Took the Oaths.* — The Viscount O'Neill; The Lord Godolphin.

Reported —Clergy Reserves (Canada).

Public Bill.—3^a New Forest Deer Removal Act Amendment.

AFFAIRS OF TURKEY.

The Marquess of CLANRICARDE rose to ask whether Her Majesty's Government could lay any information before the House respecting the state of affairs in Turkey, and the negotiation which it was said had been lately carried on between the Sublime Porte and certain of the great European Powers? He was certain that their Lordships felt a deep interest in everything that related to the welfare and independence of the Ottoman Empire, and that they shared in the great anxiety which had naturally been excited in the public mind of this country by the events which had taken place during the last few weeks with regard to the affairs of that empire. He should not attempt to enter into a detail of facts with which he was of course very imperfectly informed; but he felt it his duty to call their attention to certain events which had recently occurred. It would be in the recollection of their Lordships, that, not long since, a circumstance of a most serious nature occurred in the north-western provinces of Turkey in Europe:—he alluded to the military operations which the Government of Turkey had conducted on a somewhat extensive scale in Montenegro On that occasion the Government of Austria thought right to interfere, and after military operations had proceeded to a certain length, Count Leiningen was sent by that Government on a special mission to Constantinople. Now, as to the precise object of that mission, or the nature and extent of the demands which Count Leiningen was instructed to make on the Turkish Government, or what was exactly the result of those demands, the public had never yet been correctly informed; but it was pretty well understood that the tone and temper in which these demands were enforced were by no means friendly or conciliatory, and that the Sultan had yielded to them. Shortly after this a fresh subject of anxiety arose in the claims set forward by the Government of France, for certain rights and privileges which were connected with the protection of what were called the Holy Places; but since that period the negotiations upon the subject, whatever they were, having terminated amicably, a much greater alarm had been excited in the minds of those by whom these subjects were watched with interest by the announcement of a special mission from St. Petersburgh to Constantinople, with respect to the object of which the public were altogether uninformed—he alluded to the mission of Prince Menschikoff. Now, whatever the object of that mission might be, no man could doubt that it must be considered by this country as well as the rest of the world as of the utmost possible importance; and, the selection of a Minister of such high rank, and of such high official position, of itself showed that the objects to be carried out were highly appreciated by the Russian Government. The manner also in which this Ambassador conducted himself, according to the accounts which had reached this country, on his arrival at Constantinople, showed the existence of very strong feelings on the part of the Government he represented; for he ostentatiously avoided to show the courtesy generally shown by an Ambassador to the Minister of the Sovereign to whose Court he was accredited. He was justified in saying, therefore, that the object of this mission, whatever it might be, was one that must be highly important, not only to Turkey, but to the whole world. When he considered, too, that the French Government thought it so much a matter of importance as to immediately send a fleet to the eastern waters; and, that our own Minister at Constantinople—if public report spoke truly—applied to the Admiral commanding in the Mediterranean to send Her Majesty's fleet to the same waters, for a similar object, whatever that might have been—when he considered these matters, he thought the importance of the event could not be lightly estimated. Now, it was impossible to view these matters, without being desirous of knowing what was the cause and what was the danger in respect of which such great apprehensions had been entertained. He might be answered—and he believed he should be truly answered—that the French Government had acted in haste, and that our Minister also had acted somewhat precipitately in the demand which he made on our Admiral of the Mediterranean fleet. He believed and hoped that the French Government was precipitate; but even so thinking he owned he could not see without great apprehensions any step taken by that Government which did not meet with the full consent and co-operation of the British Government; because he held that the danger to the Turkish empire was the danger which arose from the separate action of any one of the great European Powers with regard to the affairs of that empire; and that was the danger which pressed upon his mind in respect of the mission of Prince Menschikoff, whatever the object of that mission might be. If the Emperor of Russia were acting in concert with the other great Powers of Europe, for the accomplishment of some object which was common to them all, he (the Marquess of Clanricarde) had the fullest confidence that every engagement into which he entered he would fulfil, not only to the letter, but with the utmost good faith. But when he heard that this mission of Prince Menschikoff was sent to Constantinople for the promotion of objects concerning which Parliament and the public were kept in entire ignorance, he could not doubt—calling to remembrance the treaty of Unkiar 'Skelessi, and what had been the traditional policy of Russia towards Turkey, and which, however it might for a moment be checked, was never for any long period abandoned or diverted from its end and aim—that these secret objects were such as France and England, by the international law of Europe, were interested in knowing. He might be told that France and England had both of them protested against the treaty of Unkiar 'Skelessi, and declared that they would not allow that treaty to form any part of the international law of Europe; he had rejoiced at that declaration, and he trusted it would always be acted upon, for it was impossible that Turkey could, either with honour or safety to herself, abdicate her rights, or break off her old engagements. If, therefore, his noble Friend (the Earl of Clarendon) could tell him (the Marquess of Clanricarde) he knew what was the condition of this question, or what was the object of the mission of Prince Menschikoff to Constantinople, though he might think it right not to say another word about it at present, he should feel perfectly satisfied. But what he apprehended was, that no satisfactory answer could be given to the question he now felt it his duty to put to his noble Friend, because it appeared that the transactions were all conducted in secret, and it was that very secrecy which made the subject so alarming. The general policy of this country and the Western States of Europe with regard to Turkey could not be altered. The interests of England in the Levant and the Turkish dominions were too extensive and too important to be abandoned by the Government of this country. He spoke not merely of commercial interests, although these were immense, but he said that the honour of this country was involved in the maintenance of the integrity and independence of the Turkish empire, in a way which he was sure the people of this country, and the Parliament and Government of this country, could not fail correctly to estimate. France, too, had an equal interest with ourselves in maintaining the Ottoman empire in its integrity and independence, and in not suffering the Sultan to be despoiled of territory or degraded in his position by other Powers. Further, the peace of Europe demanded it. And it was a curious phase in the history of human affairs that the promotion of civilisation and of civil and religious liberty was involved in the maintenance of the empire of Turkey. He contended that these negotiations conducted in secrecy led to very great danger. The interests of France, and of England especially, were interests that could not be set aside; and if the period should arrive when an attempt was made at aggrandisement by any other great Power, at the expense of the independence of the Sultan, he feared that Europe must be plunged into a general and terrible war. It was of the highest moment, therefore, that no negotiations should be permitted to go on under the idea that, by the signature of this or that secret treaty, or the over-reaching of any particular diplomatist, or the bringing of influences to bear upon a particular Minister of the Porte, or even upon the Grand Seignor himself, objects were to be secured which could not be attained by any Power without danger of despoiling the Sultan, and affecting the independence of the Turkish empire. He hoped that, in reference to these matters, the Governments of France and England would act cordially together. He had no reason as yet, and he hoped there might be none, to distrust the good feelings of the two Governments towards each other; and he had no reason, save those ominous appearances which the mission of Prince Menschikoff presented, to distrust Russia. But if the intentions of that Power were honest, let them be fairly and openly declared; and sure he was that any declaration from the Emperor of Russia would be strictly and fairly carried out. He confessed, however, that he was at a loss to conceive for what fair purpose the mission of Prince Menschikoff was intended. He was not aware of any aggression on the part of Turkey; and he was not aware that she had been guilty of any breach of faith towards Russia. He wished to know whether Her Majesty's Government were in a position to furnish the House with information with regard to the events which had occurred at Constantinople; though he feared that full information could not be furnished by them; not on account of mere official discretion, but because full communication had not passed between them and the other Governments of Europe. Upon this matter, as well as upon every other, he desired to see Russia in full and fair communication with the Governments of France and England; but if there were danger to the Turkish empire, he hoped, whether France had been hasty in taking one step or another, or a French Minister at Constantinople had at any moment been a little irritable and impatient, he trusted that the Government of this country and the Government of France would act together in cordial co-operation and understanding; because if that co-operation and understanding were known and proclaimed, the peace of the world would be preserved. In conclusion he would ask whether Her Majesty's Government could lay any information before the House respecting the state of affairs in Turkey, and the negotiations which it was said had been lately carried on between the Sublime Porte and certain great European Powers?

The Earl of CLARENDON: My Lords, my noble Friend has, to a certain extent, anticipated the answer that I shall give him, although I think the grounds upon which he has anticipated that that answer would not be as explanatory as he would desire are not correct. It is not on account of any want of official or cordial understanding between Her Majesty's Government and the other Governments of Europe that I must decline to give him all the information that he requires; but because some of those negotiations to which he has alluded are still pending; and although a portion of them may be said to be concluded, yet they have an intimate bearing on and relation to others which are not concluded; and I am sure your Lordships will agree with me when I say that a premature publication of them should not be made. But there is one subject upon which I may relieve some of the apprehensions which my noble Friend seems to entertain; and I can assure him of the entire concurrence of Her Majesty's Government in the views he has expressed respecting the maintenance of the independence and integrity of the Ottoman empire. Indeed, my Lords, I can fancy no greater calamity—none more likely to lead to a European war—none more certain to dislocate all those ties by which the great Powers of Europe are now connected together, than the dismemberment of the Turkish empire. Therefore I think that the British Government are bound alike by the principles of sound policy, of national interest, and of international law, to uphold the Turkish empire; and I am happy to inform your Lordships that, in consequence of recent communications with the different Governments, we have received from them the most cordial and unreserved assurances, that, with respect to Turkey, their views and their policy are in perfect harmony with our own. I therefore think, my Lords, that Turkey has nothing to fear from external aggression; nor do I think the dangers which threaten her from her internal weakness, great though they be, need threaten her destruction, provided that common ordinary prudence guides the councils of the Porte, and that a better policy and a more humane treatment are adopted towards her Christian subjects; and it was with that object that Lord Stratford de Redcliffe was instructed to return to his post, and a special character was given to his mission, because it was thought that there was no man who, from his great abilities and long experience of Turkish affairs, was in the same favourable position of offering advice to the Porte, and there was none from whom the Porte was so likely to receive such advice favourably. With respect to the other point to which my noble Friend has alluded—the war in Montenegro—certainly, as he says, Montenegro was the seat of warlike operations of an extensive character, and these warlike operations were not considered advisable by Her Majesty's late Government any more than by the present. Her Majesty's *Chargé d'Affaires* at Constantinople was, therefore, instructed by my noble Friend lately at the Foreign Office to represent to the Porte that that expedition was likely to be prejudicial to the Porte, and to create a drain upon its financial and military resources. The same instructions were repeated by my noble Friend, Lord J. Russell; but, nevertheless, the expedition was sent, a large army arrived in Montenegro, and was the subject of well-founded alarm to the Austrian Government. The Austrian Government fully admitted the dependence of Montenegro upon Turkey; but they contended that the virtual independence of Montenegro had for nearly a century been almost undisturbed and almost untouched, and they feared that the presence of a large Turkish army in the immediate neighbourhood of the Austrian territories and of the Christian subjects of Austria in those territories, might lead to great danger; the result was that the Austrian Government was obliged to have a considerable army on the frontiers to prevent the refugees from crossing over, and to guard against the excesses which might be expected to arise from a religious and fanatical war between Mussulmans and Christians. In consequence of this state of things the Austrian Government sent Prince Leiningen to Constantinople. It is true that that mission was somewhat of a peremptory character; and my noble Friend Lord John Russell communicated with the Austrian Government on the subject, and deprecated the use of any threatening language, or any language which could lead to a collision between the two countries. This was responded to in a friendly spirit by the Austrian Government, who said they had no desire to interrupt their relations with Turkey, still less to depart from their traditional policy of respect for the Ottoman empire. It had been stated that among the causes of complaint against the Austrian Government was some demand in reference to the refugees; he must say, that having fully inquired into all the circumstances, there was nothing in them to infringe any principle of international law, or that was inconsistent with the demand which one friendly Government might make upon another. With respect to the next point to which the noble Lord had alluded—namely, that after the embassy connected with the Montenegrin insurrection, another matter arose in connexion with the French Government. Now the fact was, that this question occurred first in the order of time. It appeared that the Turkish Government, having no concern in the matter, and being desirous of pleasing both parties, as it too often happened, failed in pleasing either. The Turkish Government, having made to the French Government certain concessions in respect of the Holy Shrines which appeared to be inconsistent with previous concessions made to Russia, the Emperor of Russia, knowing the great interest felt by the population in the East in respect to the Greek shrines, and regarding his own position in reference to that Church, determined upon sending Prince Menschikoff upon a special message in order to arrange this matter, and to place the question of the Holy Shrines upon a permanent footing. It was not for him to say that the Emperor of Russia was to be blamed for not making his intentions publicly known, or for not keeping the public informed in regard to his Envoy's proceedings. There were, certainly, considerable naval and military preparations concurrent with the arrival of Prince Menschikoff at Constantinople, but the extent of those, he considered, had been greatly exaggerated. There had been no disguise whatever on the part of the Emperor of Russia as to his intentions in sending his Ambassador, and he showed no hesitation in answering any question the Government of this country thought proper to put to him. He (the Earl of Clarendon) could only say that Her Majesty's Government felt precisely the same confidence as his noble Friend in the honour and integrity of the Emperor of Russia. When that Emperor gives his word as to what he is going to do, or not going to do, Her Majesty's Government would always place reliance upon it. It appeared that within the last few days the public mind had been greatly excited by fresh and peremptory demands said to have been made by Prince Menschikoff upon the Turkish Government, and such as were calculated to excite alarm; but there, again, he had reason for supposing that the report was exaggerated. With respect to the fleet, it was well known that, after Prince Menschikoff's arrival, Colonel Rose thought it right to advise Admiral Dundas to proceed with his fleet to the Dardanelles. The Admiral, however, did not think it expedient to comply with the advice, and the Government of this country considered that that gallant officer had excised a sound discretion in so acting. He must say that as far as Colonel Rose was concerned, as he had not got the information possessed by our Government, it was not very unnatural that he should feel some fear, and should participate in that alarm, which the arrival of Prince Menschikoff had excited; and he had also reason to believe, although erroneously, that Admiral Dundas was actually on the point of cruising with the fleet towards the East, and, therefore, in making that request, he had merely forestalled the intentions of Admiral Dundas. The French Government on that occasion thought proper to send their fleet to the same quarter; but he could assure their Lordships that that matter did not originate in, nor had it led to any misunderstanding with, our Government, for between the French Government and the Government of this country there exists an entire concurrence of opinion in respect to the affairs of the East. Some exaggerated reports of recents events had been circulated within the last four days, which were calculated to excite alarm; but their Lordships would be pleased to hear that Her Majesty's Government had recently received a despatch from Lord Stratford de Redcliffe, dated the day after his arrival at Constantinople, in which he gave them every reason to think that the views entertained by all parties upon the question were such as to ensure a satisfactory result. A telegraphic despatch was also received yesterday, which stated that up to the 14th inst. all was quiet at Constanninople. Having now given all the information which he thought it would be prudent to communicate, he could only assure their Lordships that he believed that as regarded Turkey, there was no danger whatsoever of the peace of Europe being disturbed, nor any prospect of the unanimity which prevailed between this country and the other great Powers of Europe, as to the necessity of maintaining the integrity and independence of the Ottoman empire, being interrupted.

Lord BEAUMONT said, the statement of the noble Earl was reassuring, as far as the now pending question between Russia and Turkey was concerned; for he understood the noble Earl to state that such positive assurances had been given by the Emperor to this country on the subject of the extraordinary mission of Prince Menschikoff, that it was impossible, without breaking his word of honour, for the Emperor to make any extravagant demand on Turkey. He (Lord Beaumont) would not doubt the plighted word of the Emperor Nicholas, although he admitted, that it was the avowed policy of our own Government which chiefly filled him with confidence that the interests of Turkey were perfectly safe. But there was a point touched on by the noble Earl on which, he thought, they ought to have further information and with regard to which he begged to differ from him, namely, when he spoke of Austria not having violated any international law in what she had done respecting Montenegro. He alluded not to what was passing, but what was passed. If the affair of the interference of the Austrian Government were concluded, he thought they were entitled to have the papers laid on the table of the House. They were entitled to know what was the result, if any ports which had been open to us were closed, and whether any country had assumed an independence which it did not possess before. How stood the case of Montenegro? The people of Montenegro were the subjects of the Porte, and they occupied themselves in robbing and murdering their fellow-subjects. The Sultan exercised his undoubted authority to suppress these infamous proceedings; and then Austria, a neighbouring and friendly Power, interfered to prevent him. If international law admitted such proceedings, we should have been justified in interfering in behalf of the Hungarians, and France would have had a right to interfere recently in behalf of the Milanese. He knew it was of importance to Austria that no other foot should tread those shores, nor could she shut her eyes to the risk of another and more formidable Power meddling in the quarrel. She knew that the Vladika might appeal to Petersburgh, and it was perhaps on that account she interfered.

He admitted that the result was not so bad as that which might have been expected from an appeal to Russia; but the bare possibility that a much greater evil had been prevented by the interference with the Turkish Government which had taken place, did not justify that interference. He wished to ask the noble Lord if he had any objection to lay upon the table any information in his power with regard to the Austrian embassy to the Porte?

The EARL of CLARENDON could not at present say whether it would be in his power to lay any papers of the kind referred to upon their Lordships' table, but he would do so if it were practicable, and could be done without inconvenience to the public service. He adhered to the opinion he had given that the Austrian Government had infringed no international law, for the terms in which the representations of the Austrian Minister were made fully bore him out. Austria did not impugn or deny any of the treaties that settled the sovereignty of Turkey over Montenegro, nor did Austria deny or dispute the authority of the Turkish Government to punish the outrages in question; but the Austrian Government took the same view as was taken by the late and present Government of this country, and by the Government of France, as to the evils of sending so large a Mussulman force into the neighbourhood of an excitable Christian population; and they only asked that the army should be withdrawn, and that the *status quo* should be restored as soon as the evildoers had been punished, and security taken against a repetition of the outrages complained of.

LORD BEAUMONT said, he felt much more satisfied after the explanation of the noble Earl.

CLERGY RESERVES (CANADA) BILL.

Order of the Day for the House to be put into Committee read.

Moved—That the House do now resolve itself into Committee.

On Question, *agreed to.*

House in Committee accordingly.

Clause 1 read.

The EARL of DERBY: My Lords, before the question is put, that this clause stand part of the Bill, I am desirous of having the opportunity of submitting to your Lordships the Amendment of which I have given notice, the effect of which I will now state. The Amendment of which I have given notice is one in itself so moderate, so just, and so reasonable—it appears to me to rest upon a principle so sacred, and of such universal application—that I confess I entertain a very sanguine hope that it will be favoured with your Lordships' support; and I should feel still more sanguine of such a result if I could believe that your Lordships will come to the discussion of this question setting aside political and party considerations, and looking calmly at the different arguments offered in favour of it, and will give it—I will not say an impartial, but also a judicial hearing. If your Lordships will consent to look at this question in your judicial character, you will find that rights are infringed by this Bill, which it is your duty to protect, and which may be protected to a certain extent by the Amendment I am about to propose. That Amendment is so moderate that I fear I shall be open to the argument and answer, that the proposition I have to submit does not come up to the realisation of the assertion of those rights. After the able and powerful speech of my noble and learned Friend (Lord St. Leonards), I confess I felt a doubt whether I should be justified in submitting an Amendment that falls so far short of the strict claims of justice to the Protestant clergy of Canada; but I trust your Lordships will give me credit, if I fall short of the assertion of the principle on which my Amendment proceeds, for desiring not to meet the proposition of the Government by any factious opposition, or any extreme assertion of my own opinions; but that I wished to find a mode by which we, to a certain extent, might be able to reconcile the claim of public principle with those objects which the Government have in view in offering to the Canadian Legislature powers larger than they have as yet possessed—and a power which, if good policy were alone to be considered, I should consider it right to say that they ought not to have. The effect of the Amendment will be to grant to the Colonial Legislature all that the Bill proposes to grant with regard to all the appropriations of the clergy reserves not hitherto appropriated or allotted under the authority of grants of the Crown and Acts of Parliament for the specific use and benefit of the clergy of the several Churches in Canada. I do not propose, by my Amendment, to limit the powers which the Bill proposes to give to those prospective appropriations the policy of which I do not deny. I shall waive now all other considerations. I am content to rest the case on the assumption only that it will be wise or desirable on the ground of policy to give the Colonial Legislature an absolute control over the existing revenues of the Churches of England and Scotland; and all I ask is, that the operation of the Bill be not, as it ought not to be, made retrospective. The noble Earl (Earl Grey), who has had long experience in the colonial department of the Government, and who may be considered the original author of this measure, stated that this Amendment, if carried, would as effectually destroy the object of the Bill as if it were rejected upon the second reading. I must demur to that statement, and I propose to show to your Lordships the practical distinction between these two courses. By the Amendment, I propose the Colonial Legislature will be left in the absolute disposal of those hitherto unappropriated lands of the clergy, amounting to no less than 1,500,000 acres, and to the value of 430,000*l.*; of which one-half is by the existing law absolutely tied up and withdrawn from any control of the Colonial Legislature. The noble Duke (the Duke of Newcastle) who moved the second reading of the Bill, stated that the measure in effect would only restore to the Legislature of Canada the power which the Legislature of Upper Canada possessed under the Constitutional Act of 1791. The noble Duke will pardon me if I say that he is mistaken. The Bill as amended in the way I propose, will give to the united Legislature all the powers, and more than all the powers, the Legislature of Upper Canada ever possessed under the Act of 1791. The Act of 1791 gave to the Colonial Legislature the power to vary and repeal the provisions of the Act in regard to the endowment of the Protestant clergy, subject to this control—this most important control, and more important in those days than in the present—that no alteration could be made by the Colonial Legislature, or could be assented to by the Crown, until the Bill for that purpose had lain on the table of both Houses of Parliament for thirty days, each House having the power to interpose by an address to the Crown, praying Her Majesty not to give Her assent to the Bill. So that to each House was left a practical *veto* upon the disposal of those clergy reserves. I do not say whether such a veto was wise or not; but I think that such a control was more fitting for the days in which it was enacted, and the then state of the colony, than it is at the present day. I do not think it desirable to maintain any longer over the Legislature of the colony any special control by way of veto. But the Bill, as I proposed to amend it, does away with that restriction, and gives to the local Legislature the power of dealing in prospective with the clergy reserves. I assert that this was all the power ever possessed by the Legislature of Upper Canada under the Act of 1791. I do not make this assertion without being supported by high authority. This very point has been submitted to the opinion of the Judges of England, and they are unanimously, and without a single dissentient voice, of opinion that the powers given by that Act to the Colonial Legislature were purely prospective and not retrospective. They say—

> "We are all of opinion that the effect of the 41st section of the statute is prospective only, and that the power thereby given to the Legislative Council and Assembly of either of the provinces cannot be extended to affect lands which have been already allotted and appropriated under former grants; for the manifest import of the 41st section appears to us to be limited to this—namely, 'the varying or repealing the provisions respecting the allotment and appropriation of lands,' and not to comprehend 'the varying or repealing allotments or appropriations which have been already made under provisions of the Act, while such provisions continued unrepealed and in full force.'"

Therefore I think I am justified in the position with which I set out, that if this Bill should pass with the Amendment I propose, it will give to the Canadian Legislature not only all the power previously possessed, but more power than was ever possessed by the Legislature of Upper Canada under the Act of 1791. But it is undoubtedly true that the Act of 1840 limited, in regard to the Colonial Legislature, the powers conferred on the Legislature of Upper Canada by the Act of 1791. It will be necessary to call attention to the circumstances under which that Act of 1840 was passed. The course of proceeding of the Government in regard to this Bill before the House, has been marked, I must say, by considerable vacillation and uncertainty, not to say insincerity of purpose. The Bill appears to have been introduced without sufficient consideration or knowledge of facts. The noble Duke, the Secretary for the Colonies, in a despatch to Lord Elgin, dated March 24, 1853, said—

> "At the time when this provision of the Bill was adopted, I was not aware of any peculiar cir-

cumstances connected with the introduction of the guarantee clause into the Act of 1840 which should take that clause out of the ordinary case of similar enactments."

Now I do not wish to expect too much of the noble Duke, but it seems to me only reasonable that he should take the trouble to satisfy himself of the circumstances under which the Act of 1840 was passed, and what peculiar assurances were held out to justify the assent of Parliament to that Bill. In this despatch the noble Duke refers to the debate in the House of Commons of July 6, 1840. With reference to that debate, it is contended by the noble Earl opposite (Earl Grey) that no compact had taken place at that time. Now who were the contracting parties to the understanding come to in 1840, when this Bill was passed, which was to prevent the necessity for future legislation on this subject? I will not stop to inquire into the precise meaning of the word "compact." But the noble Duke, in his despatch to Lord Elgin of the 24th of March, 1853, admits that there was an understanding upon the subject of the Act of 1840 between Her Majesty's Ministers on the one hand, and the Archbishop of Canterbury, representing the Protestant Church in the colony, on the other. I will not go the length of saying that it is possible for any public man to enter into any undertaking by which all future Parliaments should be bound; but I say it is a very strong case, when a Minister of the Crown in 1840 introduces a Bill, which he carries through the House of Commons and Parliament on a specific understanding or compact that that Bill embodies particular provisions, and that these provisions are inserted at the request and to obtain the assent of those who were in a condition to have successfully resisted it, and when in the passing of the Bill the successful issue of another great question depended—namely, the union of two provinces — when the same Minister who made the proposition twelve years ago now repudiates that agreement and rejects that portion of it which was introduced under that solemn understanding or compact—it is, I say, a very strong case; and the noble Duke has referred to the conversations that had taken place upon the subject in the House of Commons in 1840; and I must now refer your Lordships to the sanction under which the Act of 1840 was passed. It appears that on the 6th of July, 1840, Lord John Russell said—

> "He had now to state to the House that another proposition had been made to him, the full particulars of which he had not yet seen, but which he was told was likely to obtain the assent of those who had the most right to represent the Church of England in Parliament, and who had communicated with some members of the colonial committee of the General Assembly of the Church of Scotland, and he understood that they considered it perfectly fair and just towards the Church of Scotland. The proposition was to this effect—it was founded on the opinion of the Judges which had been given in the other House of Parliament with respect to the clergy reserves."—[3 *Hansard*, lv. 464, 465.]

The noble Lord then proceeds to refer to the general acquiescence which the House had shown to the measure, notwithstanding the strong adverse opinions expressed by some important men, amongst others by the late lamented Duke (the Duke of Wellington), who, though he had strong objections to the measure, yet gave it his sanction and support in consideration of the proposed modifications. Lord Sydenham stated, that unless a final arrangement were made in regard to the clergy reserves, the measure of the union would be rather a curse than a blessing. But the noble Lord (Lord John Russell) again goes on to say—

> "He could not but refer to these circumstances, and he would be most unwilling, when another question was introduced relative to Canada, not to endeavour to obtain for it something of the same general assent. He should be anxious to send to the Canadas the measures of the union and of the clergy reserves, not only by the authority of the Government, but with the general consent of the whole House. He could not persuade himself that any person deeply and extensively considering the whole interests of Canada would disappoint the hopes which were entertained, that in the present Session we shall be able to settle the affairs of Canada. Though one measure may be preferred to another—though he was not prepared to say that another measure might not be better than the union of the Canadas—yet it would be most dangerous to induce in Canada a belief that the Legislature were not acting upon any settled plan with respect to that province, but with capricious and party views. Believing this to be the case, and feeling that he should be responsible if in Canada parties should make it an excuse that one Church had been treated with undue favour rather than another, yet, feeling the greater responsibility if he opposed any obstacle on his part to the settlement of a question on which the welfare of Canada depended, he should move, on Thursday next, in the form of an Amendment, the propositions which he had detailed. Though they were not the propositions which he might think the best, yet, considering that those who had made them had conceded much of their own opinions as to what they think due to the Church of England in making these propositions, he should willingly accept them in the way he proposed, and offer them to the consideration of the House."—[3 *Hansard*, lv. 467.]

Now, there is the offer—there is the reason assigned, and there is the statement made by a leading Member of the Government in his place in Parliament. And here is the mode in which it was received by the late Sir Robert Peel, to whose high authority I think that many of the noble Lords opposite would be willing to defer. That late right hon. Baronet undoubtedly accepted the measure as a compact, and he was ready, on the part of the Church, to give his general concurrence to the measure, providing these provisions to which I have referred were inserted. On that occasion the late Sir Robert Peel said—

> "With respect to the clergy reserves, I hope that this measure will be discussed in the same spirit as the union of the Canadas—and I would appeal to the House if it could be asserted, of the propositions made to the noble Lord, and by him to the House, that the Church of England had been governed by a rigid adherence to its own interests. I think that the proposition made by the Archbishop of Canterbury, distinguished as well for his high station as for his moderation, comes recommended by justice as well as forbearance. On the part of the Church of England all obstacles are removed from the disposal of the whole of the reserve lands. The Church seeks not to reserve to herself any of these lands. After the decision of the Judges the Church of Scotland is admitted to the same right as the Church of England; and the only difference which exists is, the difference arising from the number of adherents which belong to each. With this proposition, acquiesced in by the two Churches, permitting the sale of the whole of the reserve lands, with the guarantee in perpetuity of the present amount with one-third of the proceeds of the future sale, that is a proposal recommended by its intrinsic importance as well as by its justice and moderation. It would be unfortunate indeed if this question should remain unsettled. It is to me a source of the greatest satisfaction that the noble Lord acquiesces in the proposal made by the Church of England. In acceding to that proposal I think the noble Lord has acted wisely, and I sincerely hope that this measure will be discussed in the same spirit as the question of the union, and I trust that the two measures will pass in to a law with the general concurrence of the House, and by doing so be the foundation of a happy relation between this country and Canada."—[3 *Hansard*, lv. 468.]

Now upon that understanding, and upon that declaration, made by the leader of the Government in the House of Commons, and adopted by Sir Robert Peel, and the noble Lord speaking in the name and by the authority of the Churches of England and Scotland—it was under those circumstances that the Act was passed as a final settlement of the question of the clergy reserves —that Act which we are now called upon to reverse by the adoption of a measure which is retrospective in its principle. I would now recall to your Lordships the circumstances under which that compact or understanding was come to; and though I do not carry my argument so far as to say that those circumstances deprive all future Parliaments of the legislative power of dealing with the enactment of 1840, yet I do say that with the statesmen who proposed, and the Government which carried it, its conditions and its powers ought to be sacred and inviolable. So long as the party for whose benefit and for whose interest the provisions were inserted, were willing to waive any objection which they might have entertained to any alteration in the enactments, Parliament and Government might, with some species of justification, have modified the Bill; but if you deal with this measure in any other way, then you leave Parliament open to the imputation of passing an Act on a mere pretended principle, which is not to be borne out in practice, but to be thrown over when your purpose is attained. And yet, my Lords, what were the provisions of the Act of 1840? There has been some confusion with regard to this subject, as to a point of the question to which I shall have to refer—namely, as to the temporary or permanent character of the endowments. My Lords, it has no doubt been a matter for no little consideration amongst such of your Lordships as have not previously directed your attention to it, how it happened that on the passing of the Act of 1840 it was ordained that payments to the Roman Catholic priesthood should form a charge —a primary charge—on funds devoted by Act of Parliament to the maintenance of Protestant clergymen. Now, my Lords, let it be well observed that it was not until the Act of 1840 that this charge was made—for previous to that Act the casual and territorial revenues of the Crown in Canada were under the absolute and uncontrolled dominion of the Crown, and were applied as the Crown thought fit, without being in any way liable to be interfered with by the Colonial Legislature; but out of those casual and territorial revenues the Crown was in the habit of granting certain allowances to certain ministers of religion, partly in aid of the clergy reserves and of the Protestant Church, and partly in favour of the Roman Catholics and other bodies of dissenting clergymen. These payments rested upon the will of the Crown, and, as stated in the Act of 1840, they were payments which were annually made from the casual and territorial revenues of the

Crown; but of course being so made by the free pleasure of the Crown they could have no binding force, except so far as the personal obligations of the Crown were concerned, towards the individuals who were in the habit of receiving these aids. But upon the passing of the Act of 1840, the casual and territorial revenues of the Crown were made over to the local Legislature, in return for the appropriation of the civil list to the Crown; but they were made over subject to the continuance of such payments as they had hitherto been liable to by the previous Acts of the Crown. When the casual and territorial revenues were merged in the general revenue of the Crown, the Act of the same year, chap. 78, was passed regulating the clergy reserves, and then for the first time a provision was inserted making those grants, to which the faith of the Crown was pledged, a first charge upon the clergy reserves, subject to the condition that if those reserves were insufficient to meet those charges, then those who were in the habit of receiving them should receive compensation out of the casual and territorial revenue surrendered to the local Legislature. So far, therefore, the provision was of a temporary character made to meet a temporary arrangement entered into on the part of the Crown, and therefore, strictly speaking, limited to the parties who had previously been in the receipt of those monies. But when you come to deal with the subsequent part of the question, then there is no such limitation as that which has been suggested, and has often been confounded with a provision in this Bill, by which the funds are distributed, and the clergy reserves were appropriated for ever to the purposes of the Church of England and the Church of Scotland. They were appropriated under certain provisions, which made a new distribution of these revenues, and to which I will beg to call your Lordships' attention, inasmuch as they had an important bearing upon the Amendment which I am about to submit, making as they do a broad distinction in the manner of dealing, retrospectively and prospectively, with existing revenues, and those which should thereafter be realised. My Lords, the Act of 1791 maintains a disinction between the retrospective and prospective character of the reserves—a distinction still maintained by the Act of 1840; and in dealing with the proceeds of the sales hereafter to be realised, it sedulously maintains and upholds the right of the Churches of England and Scotland to the possession and enjoyment of the whole of the revenue which had been realised previous to the passing of the Act of 1840, inasmuch as the local Legislature had not the right—though it might have the power—to deprive those bodies of property which had been legally vested in them. My Lords, I propose in this Amendment to take precisely the same course. I propose, in 1853, to follow out the same principle which the Government of the day did in 1840; and I even propose to do so much further and more liberally towards the colonists. I propose, with regard to all future appropriations, to give to the Colonial Legislature a control, not over one-half, but absolutely over the whole of them; but I propose, with regard to those endowments which were sanctioned and confirmed by the grant of the Crown and authority of the Legislature, by being vested in the public funds—by the nomination of trustees for their administration—that their annual destination should be unaltered—for I must most earnestly impress upon your Lordships that in exercising the power—though the right is not with you—of alienating these funds, you strike at the very root of all settled property in the colony. Now, what is the intention of the Government with regard to the finality of their arrangements, or with regard to the permanency of the endowments? My Lords, Lord John Russell on a former occasion used this language:—

> "Now, the proposition which I wish to mention to the House proposes to deal differently with those lands that have been sold under the Act of 1827 (the 7 & 8 *Geo.* IV.) from the manner in which it is proposed to deal with the other parts of the clergy reserves. It is proposed that one-fourth, or rather the proceeds of that one-fourth which has already been sold, shall be given absolutely to the Church of England and the Church of Scotland, in the proportion of two to one; that is, being divided into three equal parts, two of those parts shall be given to the Church of England; and one to the Church of Scotland."—[3 *Hansard*, lv. 464.]

My Lords, I would ask you, could words express in a more clear and emphatic manner that the arrangement then proposed was one not to be altered at the mere caprice or pleasure of Parliament—not one merely concerning interests of individuals, but one which gave absolutely—gave the inalienable possession and property in these reserves to the Churches of England and Scotland? My Lords, his Lordship then, in the speech from which I have quoted, proceeded to say—

> "It is proposed, further, with regard to the remaining three-fourths of the clergy reserves, that they shall be divided into two equal parts; of which one shall be given to the Church of England and Church of Scotland, and the other part be left at the disposal of the Governor and Executive Council of Canada, for the purpose of religious worship and instruction generally."

Now, my Lords, following that announcement of the noble Lord, an Act of Parliament was passed—the 3 & 4 *Vict.*, c. 78—by which the revenues were so appropriated, and I beg your Lordships to listen to the terms in which they were so appropriated. I should here state to your Lordships a remarkable fact, that, so far from these funds being at any time previously under the control of the local Legislature, it was not until the year 1827 that permission was given to invest the proceeds of the sales in any other funds than those of this country; for in 1827, for the first time, upon the representation being made as to the low rate of interest in England and the high rate of interest in the colony, that security was taken away, and for the first time power was given to invest the proceeds of the sales in the colonial funds, instead of in those of this country. Now, my Lords, I would ask—after the statement of this fact, that permission had actually to be sought for the investment of the proceeds of lands sold in Canada in other than the British funds—I ask what shadow of ground or colour of pretext can there be for the Colonial Legislature maintaining their uncontrolled right to dispose of these funds? And, my Lords, if under the sanction of Parliament these proceeds were subsequently invested by the Colonial Legislature in colonial funds, will your Lordships give your assent to such a monstrous proposition as to declare that the mere fact of investment in the colonial funds can create any difference as to their ownership or proprietorship? The third clause of the Bill provides, as I have already mentioned, for the discharge in the first instance out of the clergy reserves already realised of those charges with regard to which the faith of the Crown was pledged, and that if the funds should be insufficient, the balance should be defrayed out of the casual and territorial revenues of the Crown in the province of Canada. Then comes the application of the residue of the fund. By the fourth clause, as soon as the fund should exceed the amount of the stipends and allowances which at that time were charged in favour of the clergy of the Church of England and the Church of Scotland, then a proviso is made for sanctioning the disposal of the reserve lands and the appropriation of the proceeds for the purposes of the Churches of England and Scotland, and the share allotted and appropriated to each of the said Churches is made payable by the Receiver General of the province, by warrant from the Governor, in favour, not of this or that individual, nor of this or that incumbent, but of certain bodies named in the Bill, who were to act as trustees—namely, the Society for the Propagation of the Gospel in Foreign Parts on the part of the Church of England, and of a Board of nine Commissioners to be elected by the synod or synods of the Presbyterian Church of Canada in connexion with the Church of Scotland. Now, my Lords, under the provisions of that Act, and at that period, the particular sum to be divided between the Church of England and the Church of Scotland amounted to 20,000*l.* or 25,000*l.*; and, as I have already stated, a further sum was calculated to be produced reaching to 430,000*l.* Well, then, my Lords, what I ask your Lordships to do is to affirm the proposition made by Lord John Russell in 1840, that the fund actually placed in the hands of trustees for these respective bodies—funds appropriated under the sanction of Acts of Parliament—shall be maintained sacred and inviolable in favour of those persons whose property they have now become. My Lords, suppose the case to have been, that the Society for the Propagation of the Gospel, having regard to the future endowment of the Church of England in Canada, had at that remarkable period purchased a portion of the waste lands of Canada, and that subsequently, when, as the noble Duke opposite has said, additional value was given to the lands by proper cultivation and industry of the inhabitants—suppose the Society had thought fit to sell the land again, and to invest the proceeds in the English or colonial funds; in such a case can any one be prepared to contend that the proceeds of such a sale, so effected by the Society for the Propagation of the Gospel, if invested in the public funds, could be dealt with, with any show or shadow of justice, by the Colonial or the Imperial Legislature; or that, because the lands so purchased or disposed of had been increased in value by the labour or industry of the people of Canada, therefore the Legislature of Canada could appropriate the money derived therefrom, and afterwards invested? Well, my Lords, there is no dispute as to the right of the Crown to grant the land in question—there is no dispute as to the fact of the Crown having granted those lands, neither is there a dispute as to the fact of Parliament having sanctioned their disposal and the application of the revenue for the purpose of making permanent provision for the Churches of England and Scotland, and having for that purpose constituted a body of the trustees to administer those funds. And, my Lords, I dwell upon this point because I feel it is one of the deepest and most vital interest—it is a question which touches not a wretched 5,000*l.* or 20,000*l.* a year, but a question which goes to the very foundation of all property vested in corporate bodies. And, my Lords, here I cannot help adverting to a declaration which fell from a noble Earl opposite (Earl Grey), and in which I am sure, my Lords, you will be slow to coincide—and it is a doctrine which flows naturally from the adoption of the present Bill—that there was no such thing as the permanence of interests in the case of property invested in the Church of England; that the Church was dependent on the State; that its revenues were at the absolute disposal of the State; and that it was perfectly at the option of the State at any time to take and appropriate to any purposes whatever the revenues and property of that Church. My Lords, it appears to me that that declaration of the noble Earl is entirely consistent with—in fact, it may be accounted as a corollary to—the measure of the Government, should your Lordships be induced to adopt it. My Lords, if you should pass this Bill, enabling the Legislature of Canada to deal retrospectively with the already realised revenue and property of the Church, I say you are laying down practically a principle which I defy you to prevent being extended further, so as to be brought to bear against the revenues of the Church of England in this country, but still more against the revenues of the Church in Ireland. Nay, my Lords, I defy you to prevent the principle being extended even further, and being made to reach to every corporate body, to every body, with a permanent succession; for, pass this Bill, and you will deal with them henceforward as merely a body of individuals, whose single and personal rights being satisfied, Parliament will consider itself perfectly entitled to deal with the remainder of their property as they may please. But, my Lords, the noble Earl opposite (Earl Grey), on a former occasion, cited your Lordships a great authority—a great constitutional authority, no less than that of wise King Henry VIII.—as participating in his view of the position in which the State stands in reference to the property of the Church, and as one who had not hesitated to carry those views into effect by alienating the property of the Church. Now, although, my Lords, I am not going to enter the lists in favour of that Royal personage, I certainly must confess that, though I do not cavil with the noble Earl in his assertion that Henry had enacted a transference of funds from one Church to another, I do not think that he is correct in the historical view of the transaction which he has enunciated. The noble Earl spoke of Henry VIII. as having transferred the funds of one Church to another; and in the same breath the noble Earl charged me with having bribed the landlords of Ireland by the sacrifice of the Church property. Now, my Lords, if he had said that Henry VIII. had bribed the principal nobles of this country—that he had bribed a large part of his followers by transferring a portion of those funds—not to another Church, but—to laymen in his favour, while being more accurate in his historical enunciations, he might have found a more correct parallel to the imputation which he has cast upon me. My Lords, the noble Earl referred to a Bill which I had the honour of introducing, and to which I look back—notwithstanding all the personal attacks levelled against me at the time—I look back upon, I say, with every feeling of satisfaction, believing as I do that that measure, in conjunction with another which followed it a short time afterwards, has proved the means of preserving inviolate the property of the Irish Church; preserving in peace and safety the enjoyment of its possessions to the present time at all events; but how much longer, my Lords, should you be induced to recognise the principle of this Bill, it would be rash to speculate upon. My Lords, it is certainly true that I advised the Crown to diminish the number of the Irish bishops; and it is true that about the same time I relieved the Roman Catholic inhabitants—after all the great majority of the people of Ireland—from the payment which they were called upon to make in aid of the funds which had been appropriated to the Church in Ireland—at the same time I relieved the people from the payment of those first fruits which were appropriated in Ireland to the maintenance of the Established Church. But, my Lords, I also induced Parliament to impose in lieu of that first penny and first fruits, a tax upon benefices; and out of the sums so derived was created a fund for the purpose—a purpose which has been answered effectually—of increasing the incomes of small livings in Ireland, and increasing the means at the disposal of the poorer clergy, as well as making a more effectual and a better provision for them. But, my Lords, in that Bill no bribery, no offer, no advantage of any kind whatsoever was held out to the landed proprietors of Ireland. And, my Lords, let me, before I quit the topic introduced into this discussion by the noble Earl opposite—let me remind you that a new generation has now sprung up around us which know not the Appropriation Clause —but I have, I am sure, little wish to revive the forgotten discusions of a period now long gone by. Well, now, my Lords, it becomes necessary for me to notice the only statement of which I have to complain in the able statement of the noble Duke (the Duke of Newcastle). My Lords, the noble Duke, the other evening, made a quotation from a speech of mine to prove that I was in favour of the alienation of the clergy reserves—a speech made twenty years ago, in support of a proposition of Mr. Wilmot Horton, in 1827, for the sale of the reserves. [The Duke of NEWCASTLE was understood to dissent.] Well, my Lords, I will only say that the noble Duke quoted so much of my speech as would prove I entertained certain objections to the clergy reserves, though he did not quote the paragraph immediately following, and which would have made clear to your Lordships the grounds on which these objections rested. Those grounds, your Lordships would have seen, were—that the reserves, circumstanced as they were, interfered with the agricultural improvement of the country, and that the arrangements with respect to so peculiar a description of property were most unsatisfactory; and then the noble Duke, quoting the sentence in which I spoke of the sale of a portion of the reserves, omitted the reason I gave on that occasion for supporting the Bill— that, by the sale of a portion of the lands, the remainder of the property would be made more valuable, and at the same time more beneficial to the country. [The Duke of NEWCASTLE again interposed.] Your Lordships will see, on reference to my speech, that I distinctly stated the grounds upon which I objected to the reserves, and the grounds upon which I assented to the sale of a portion of them—namely, not because I would alienate, but because I wished to improve the value of the remainder of the property. Now, my Lords, if you sanction this Bill introduced by Her Majesty's Government, you sanction the principle that Church property, as property, is at the disposal of the State; and you declare that, provided that due consideration is paid to the vested interests of existing incumbents, you are perfectly at liberty to deal with that property as you may at any juncture think fit. But, my Lords, I entreat you not, now for the first time, to lay down so dangerous a doctrine. If that be the opinion of the House of Lords, let that opinion be declared by a broad general assertion of a principle; but do not—I beg of you do not—let it be insinuated, from its adoption in a comparatively insignificant case, pointing to an inference from which it is impossible to escape hereafter. My Lords, with regard to the question of the guarantee, I confess I cannot understand the course of conduct followed by Her Majesty's Government; nor can I comprehend their reasoning with regard to it. My Lords, the noble Duke has told us that he had written to the Governor of Canada in the first instance to announce the intentions of Her Majesty's Government; that he had made himself acquainted with the circumstances of the compact or understanding which was entered into in the year 1840, and in consequence of the information received, it may be, it was that the noble Duke said—

> "This being the case, it may be thought that considerations of good faith are involved in its maintenance. Under these circumstances, Her Majesty's Government have thought it advisable to propose the withdrawal of the third section, which was accordingly struck out of the Bill by the House of Commons in Committee on the 18th current."

My Lords, I, too, declare that considerations of good faith are involved; but since the regard for good faith has become of paramount importance with the present Government, what has happened? Why, my Lords, the third section of the Bill— which declared the withdrawal of the guarantee, which provided that in the event of the reserves not proving sufficient to meet the requirements a guarantee was to be given on the Consolidated Fund—has been given up. And I would beg your Lordships to observe that that clause repealed the guarantee of 1840, and was not limited in point of time or in respect of individuals, but in the briefest and most distinct manner stated that if at any time the fund arising from the clergy reserves should fall short of the sum of 7,700*l.* for the Church of England, and of 1,500*l.* for the Church of Scotland in Canada, on the fact being properly certified to the Accountant General, the Consolidated Fund of England should be made liable for the payment of the difference, not to the incumbents or to individuals, but to the trustees nominated for all time to come for these Churches. I was not surprised to hear the noble Earl say he thought it judicious to withdraw the third clause, because I certainly think that if the Legislature made up their minds to deal with this property in the way of confiscation, they could not be expected to stultify their acts by continuing the guarantee. That, however, was not the view taken by Her Majesty's Government when dealing with the question on the principle of equity and good faith alluded to by the noble Duke. In dealing with a compact which the noble Lord the leader of the House of Commons declared to be binding in its obligation—which the Chancellor of the Exchequer, in his place, if I am not misinformed, characterised, not as a virtual but as an actual and positive compact—I say, my Lords, it was in pursuance of such a view, which I hold to be a just and sound view of the case, that Her Majesty's Government determined upon withdrawing the clause. Yes, my Lords, they did withdraw it, and they conceded its withdrawal in opposition to a large part of their Radical supporters, but backed and assisted by that portion of the House of Commons which I must still be permitted to call the Conservative body, in contradistinction, my Lords, to that mongrel Liberal-Conservative-Republican Administration, which seems to hold, it must be confessed, Radical views in such particular favour. Well, my Lords, with respect to the sum of 7,700*l.* for the Church of England, and of 1,500*l.* for the Church of Scotland, we still had the guarantee of 1840, which the declarations of Government have announced that they feel it an obligation to respect; and the noble Duke then wrote to the Governor of the colony, stating that the effect of the omission of the clause will be that the contingent charge imposed upon the Consolidated Fund will remain unaffected by the Bill now before your Lordships. But, my Lords, after having heard that acknowledgment of solemn obligation—after having witnessed the withdrawal of the clause, it is with mingled feelings of shame and astonishment, mingled with feelings of a different and stronger character, that I have heard it stated as the opinion of the law officers of the Crown, that the guarantee, as originally given, is worthless. Is it possible, my Lords, that any course can be pursued, not only so utterly inconsistent in itself, but so utterly subversive of all confidence in the statements of public men, as first to retain a guarantee declaring they are bound by it; secondly, telling the colonists the results of their measure are to maintain the guarantee unimpaired; and then to say that, by some legal construction or other (which I am not able to understand) the provisions in that Bill fell to the ground; when, by their act and permission, the Legislature of Canada has availed itself of the powers they gave? The fund, indeed, remains as valuable and efficient as ever; but it is alienated and confiscated, though the property still exists, by the operation of an *ex-post facto* act of the Legislature. That act to which they invited us is to have the effect of relieving us from the guarantee which we have declared ourselves bound in honour and honesty to fulfil. I defy them to vindicate that transaction. If the guarantee is to be held valid, then it is our imperative duty, before we go any further, to see that in our Bill the guarantee is maintained in its integrity, and not by suffling evasions to enable ourselves to frustrate and shift out of that guarantee, the obligations of which we declare we are called upon in honour and honesty to observe. My Lords, the Government contend that, while they have given the Colonial Legislature power to deal generally with the question, they have made reservations in favour of existing endowments; but the noble Duke who says so appears to have confounded the two cases of the obligations entered into before 1840, and of the charges arising out of the maintenance of the Churches, omitting the distinction they have inserted in the words of the Bill, maintaining the rights of the present incumbents as their rights, while they belong in reality to another class of men. But, even on their own showing, that restriction is absolutely inconsistent with their argument, which is, that we ought to give absolute and uncontrolled power to the Colonial Legislature. And here you are about to give the whole property of the Church into the hands of men whom you yourselves declare you cannot trust with the maintenance of existing interests, and whom you prevent from laying their unhallowed hands on rights they suppose to be vested and desired to maintain. And yet the House is told to hope for the best, to deal generously with the local Legislature, and they will see they would not do that which was feared, and effect the abolition of the reserves. My Lords, I must own I would rather that you passed this Bill without even the reservation you have made; because, in making it you are endorsing, you are sanctioning, the principle contended for by the local Legislature—that the endowments are only to be considered with reference to existing incumbents, and are not the property of the body of communicants and churchmen—and that, provided the interests of the incumbents are provided for, it will be open to them to deal as they may think best with the property of the Church. My Lords, the principle of my case is this: if property has been assigned by competent authority to trustees or existing bodies—if, under the authority of Acts of Parliament, that investment has been made in British and Colonial lands—if, on the faith of that investment, new churches have been built, new parishes formed—if Christianity has spread and extended over the face of the country: have you a right by the mere exercise of the authority of Parliament—for I will presume you have the authority—on your conscience do you believe you have the right to look to the pecuniary interests of individuals only? Is there a Member of your Lordships' House—particularly, I would ask, is there a Member sitting on the right rev. Bench—who would say, as to the alienation of Church property, "So long as my own interests in my see are preserved, I care not. So long as the interests of the incumbent are safe, I care not. I care not what becomes of the Church—I care not what becomes of the parishioners. The endowment is a stipend which the State may withdraw. We are only the salaried servants of the State. The prescription of 400 years may be done away with. We will fling all these claims to the winds; you are at liberty to deal with the incomes of our sees, and with the incomes of the clergy under our guardianship. We are prepared to deal with the pecuniary interests of the Church of which we are the representatives in this House. We leave all to depend on the caprice of a representative assembly or of a popular House of Commons." My Lords, I do not think such language would be held by any one of your Lordships. But the noble Earl (Earl Grey), the other night, in commenting on this measure, said that the security of the Church of England rests on the deep attachment of the people of England. I do not doubt the attachment of a very large portion of the people of this country to the Church; but if that security rests on attachment to the doctrines and discipline of the Church of England of a large portion of those who now are or who may hereafter be the representatives of the people in Parliament, I say that the possessions and the temporalities of the Church rest on a much more narrow and dangerous basis than the regard of the people. I believe, my Lords, the Church possesses the confidence of the people and the affections of a large portion of them. I believe, too, there are many who view her with no affection, and look upon her with no regard, but who would hesitate before they would confiscate her revenues, because they venerate the established rights of property, and because they would resist the beginning of a system of confiscation of which none could see the end. If, then, you believe the principle of retrospective legislation unsafe in this country—if you think it unwise and unconstitutional to deal with grants from the Crown, sanctioned by the Legislature, and involving the rights and obligations of property, do nothing, I entreat you, for any purpose whatever, or under any pretext whatsoever—do nothing by which you can cast a doubt upon the sincerity of your convictions—be not under any plea, how specious soever, induced to prefer expediency to the claims of truth and justice—do not apply to the colony of Canada and the Church of Canada that doctrine which you hold to be in principle indefensible as applied to England. My Lords, I entreat you to pause before you pass this most dangerous measure. Grant, if you will, to the colonists, full control for the future. Sanction, if you please—I do not say whether it will be wise or just to do so—but, sanction, if you please, the violation of those expectations which the Church has been reasonably allowed to form of increasing emoluments and endowments in proportion to the spread of religion and to the advance of population in the provinces—but mind well the sacred rights of settled and invested property. Do not confer on the Legislature of Canada a power which you yourselves do not possess. Remember there are some principles which you desire to be maintained here in England, and do not fear but that there are sufficient intelligence and justice in Canada itself, if the feelings and opinions of the great bulk of the loyal population of that country are to weigh with your Lordships in the consideration of the question, and that there is enough of good sense and discrimination in that great and loyal people to lead them to say, "Parliament has dealt liberally with us. She has given us all that was hers to give, and she has refused us nothing but that which, from conscientious and honest motives, she has refused to herself, and which she could not give to us without a violation of justice."

Amendment moved:—At the end of Clause 1 insert—

> "Provided always, that nothing herein contained shall be construed to affect the interest and dividends accruing upon the investment of the proceeds of clergy reserves sold or to be sold, or the interest to accrue upon sales on credit of clergy reserves under the authority of an Act passed in the eighth year of the reign of King George IV., intituled 'An Act to authorise the sale of a part of the clergy reserves in the provinces of Upper and Lower Canada,' nor any rents arising from clergy reserves that may have been or may be demised for any term of years under the authority of the said Act, nor the interest or dividends accruing upon the investment of such portions of the proceeds of any sales of such clergy reserves effected before the passing of this Act, under the authority of an Act passed in the fourth year of Her present Majesty, intituled 'An Act to provide for the Sale of the Clergy Reserves in the Province of Canada, and for the distribution of the proceeds thereof,' as are by the said Act appropriated respectively to the Churches of England and Scotland in Canada; but that all and every the proceeds of such investments, and all such interest and rents as aforesaid, shall continue to be appropriated and paid in such manner as is directed by the said last-recited Act; that is to say, the share allotted and appropriated to the Church of England shall be paid to such person as shall be from time to time appointed to receive the same by the Society for the Propagation of the Gospel in Foreign Parts; and the share allotted to the Church of Scotland to such person as shall be from time to time appointed by the Board of Commissioners elected or to be elected under the provisions of the said Act."

The Duke of NEWCASTLE: My Lords, I am under such manifold obligations to your Lordships for listening to me for a considerable time upon this subject on Friday night last, that I will trespass on your attention on this occasion as shortly as possible, and I will follow as little as possible the example of the noble Earl opposite, who, in an address of nearly an hour and a half in duration, has dealt not merely with his own Amendment, but with the principle of the Bill; and has delivered a speech which should have been made on the second reading of the Bill on Friday last, but has been reserved for this occasion. [*Cheers.*] I know, although noble Lords may cheer, and I understand their cheer, that the noble Earl is a great tactician, as well as a great orator. I have no doubt, too, that his tactics are good; but I would ask noble Lords who sit behind him and cheer him, how far tactics are appropriate upon a Bill of this kind—how far it is right to endeavour to obtain a chance majority on an Amendment to a measure which he did not venture to divide against on the second reading. Although we were told by noble Lords that its principle was most vicious—although we were told by a right rev. Prelate that the Bill was sacrilege, and by a noble and learned Lord that it was one of the grossests infractions of the rights of private property—yet the Conservative party, as the noble Earl has again called them in contradistinction to those who sit on this side of the House, are so conservative of the Church of England and of the rights of property, that for the sake of a chance party triumph, they will not divide against the principle of the Bill which they themselves declare to be sacrilege, and a gross violation of the rights of property. Well, I say that the noble Earl is not only a great tactician, but a great artist, and he has so proved himself on this occasion, for in this speech in which he has discussed almost every principle of the Bill, he has most carefully wrapped up and concealed from your Lordships the vicious principle of his own Amendment. He has led you astray into every possible question connected with this subject, and has discussed at great length the various points discussed on Friday last. He occupied one-third of his speech in discussing a clause no longer in the Bill as it came up to your Lordships' House, but he studiously concealed from you that if this Bill be what it has been declared to be by those who support his views, the Amendment which he has himself proposed is liable to the same objections, and is as defective and vicious in principle as the Bill itself can be. What is it that the noble Earl has done? He, the Conservative leader—he, the proud leader of the landed aristocracy of England—has absolutely come down to-night to call upon your Lordships to pay a respect to, and to give a stability to, realised property which he denies to land. He says that he is ready, as an act of conciliation to the colony, to permit the Legislature of the colony, as he says, to "confiscate" the whole of the land appropriated to the clergy reserves, but now unsold, amounting to 1,500,000 acres—he is ready to abandon all this—he is ready to commit this gross infraction of the rights of property, but he says, "That part of the property which has been sold, that which has been invested in the funds, must be held sacred, that you must not touch"—and that, therefore, he calls upon your Lordships to protect. Is this conservatism? Is this the maintenance of the rights of property? The noble and learned Lord who sits behind him, the late Lord Chancellor, told us on Friday night last, that respect for property, if good for anything, must be universal; and yet, in the teeth of that declaration, the noble Earl, the late Prime Minister of England, comes down here and tells you that you may give up one-half of these clergy reserves to save the other—thus violating the principle upon which Her Majesty's Government have introduced this Bill, that of colonial freedom, that of the right of every colony to deal with their own local concerns, but at the same time not establishing any principle of his own, nor maintaining for one instant, or establishing in any way, the inviolability of this property which is declared to be so sacred. The noble Earl devoted about three quarters of an hour of his speech to criticism of a very minute character upon the nature of the third clause, which was omitted in the House of Commons, and of the guarantee inserted in the Act of 1840. Now, this clause was introduced under the circumstances I mentioned on Friday last, and was withdrawn for the reasons I then assigned. The noble Earl, no doubt, is at perfect liberty to criticise my despatch assigning the reasons for omitting that clause;—but the noble Earl, in his speech, has greatly misrepresented our position with reference to that guarantee. When the noble Earl says that the law officers of the Crown have declared that notwithstanding the omission of the third clause, the guarantee given in 1840 is not worth the paper upon which it is written if this Bill is passed, I tell him that it will then stand on precisely the same footing as that upon which it stands at the present moment. If the noble Earl means that these lands and this money will not be so secure when in the hands of the Legislature of Canada, as in those of the Legislature of England, then I say that that is an argument against the whole Bill in its integrity, and one which does not apply particularly to this guarantee clause. This Bill, I repeat it, makes no difference in the position of this guarantee. This guarantee was introduced for a specific purpose—namely, under the apprehension that the funds appropriated to the Church might, through some accidental mismanagement of the property, or some other cause, fall below a given amount; and the clause in question was therefore inserted to secure that amount in such a case. That guarantee will remain on precisely the same footing; and should the same accident occur when the reserves are handed over to the Legislature of Canada, it will then become efficient. If it ever meant anything else than what I have stated, or provided for any other conjuncture—which I do not believe, and which the law officers of the Crown have declared it does not—it will have the same effect then as now; and there will be no difference in any respect, except that difference which is the whole and sole object of the Bill to effect—the removal of the jurisdiction from this to the Canadian Legislature—the removal of the trust from this country to the other. The noble Earl at the close of his speech said, that he wished that if this Bill should pass, the second clause should be omitted from it; and that he would have infinitely preferred that in that case existing interests should not be respected. This is certainly a novel doctrine. A novel doctrine, especially from the "Conservative" leader, that we are to pass a measure of this kind regardless of existing interests! And then he turned round to the right rev. Bench, and appealed to them whether, on questions affecting the Church of England, they would be content that we should legislate for the withdrawal of any part of the revenue of the Church, provided we left their revenue intact. I feel confident that those right rev. Prelates will, in a matter of this kind, act with that disinterestedness which they have ever shown. But what has been the course of our legislation on matters of this kind? How did the noble Earl himself legislate with respect to the Church of Ireland? When he brought in a Bill to abolish ten of the bishoprics of the Irish Church, saving the rights of the then existing bishops, did he say that it was wrong to legislate for existing interests, and that if we legislated at all we must legislate at once? No; he passed that measure, saving the rights of existing interests, and it was only as the Irish bishoprics fell vacant by death that that enactment took effect. The noble Earl then acted in strict conformity with all legislation upon this subject; but now to obtain a chance vote from the right rev. Bench, who, I think, are not to be caught by an argument of this kind, he turns round and appeals to them against this very clause, which does not go the whole length he would wish. The right rev. Prelate who moved the Amendment to the second reading (the Bishop of Exeter) said, using rather strong terms—strong at least from most Peers, but moderate and mild from him—with reference to my personal honour in this matter, that I was bound to introduce a clause making provision that any legislation which should take place on this subject by the Canadian Parliament should be first laid on the table of this House, because I had misrepresented the condition of the Roman Catholic endowments in Canada; and the noble and learned Lord opposite (Lord St. Leonards) followed in the same course. Let me, however, be permitted to say that the lawyer was less cautious and careful than the right rev. Prelate. The latter said that it was the undeniable fact that the dues and rights of the Roman Catholic priesthood of Canada could not be changed by the Canadian Legislature without such a measure being laid on the table of your Lordships' House; and, so far as the words went, he was strictly and literally and legally accurate. Not so, permit me to say, the noble and learned Lord; for he expressly said that the property of the Roman Catholic Church in Canada had this security—that if the Canadian Parliament attempted to legislate upon it, the Bill for that purpose must first be laid upon the table of this House. Now the noble and learned Lord is here entirely ignorant of, and cannot, I think, have read the words of the clause upon which he commented. The words used in the Act of 1774 are, "the dues and rights of the Roman Catholic Church." The same words are again used in the Act of 1791, where the provision is, for the first time, introduced, that any legislation upon that subject must be laid upon the table of the Houses for thirty days before the Crown can give its assent. The same words, "dues and rights," are again repeated in a clause of the Act of 1840, and in others. And it is to "dues and rights" alone that this provision refers. Now, what are these dues and rights? They are, as I have ascertained from a very high legal authority, the tithes and the tithes alone, in Lower Canada, amounting to not one-tenth but to one-twenty-sixth upon cereals, and levied not upon lands belonging to persons of all denominations, but solely upon those belonging to Roman Catholics. I admit there may be a power of legally enforcing the payment, but it is at the same time easily evaded, and is in fact so evaded in Canada, merely by the person charged as a Roman Catholic declaring that he does not belong to that religion; that declaration being sufficient to exempt him.

Lord ST. LEONARDS remarked that he had not misrepresented the effect of the clause in question, for he had read it to the House with perfect accuracy.

The Duke of NEWCASTLE: The noble and learned Lord will not deny having used the words "property of the Roman Catholic Church?"

Lord ST. LEONARDS remarked that he concluded that any clergyman would call his tithes his "property."

The Duke of NEWCASTLE: I think that the noble and learned Lord cannot mean to state that tithes held as I have described are to be compared as to tenure with the clergy reserves, or with those great estates and seignories which have been discussed in this House, and understood less as the "property" of the Roman Catholic Church. When we talk of the property of the Roman Catholic Church in Canada, every one conversant with the subject supposes that what is meant are the great seignorial rights of Montreal, of St. Sulpice, and others. And it is attempting to mystify the subject, and to mislead this House, if we are told that the "property" of the Roman Catholic Church is in the position represented the other night. I repeat that the whole of the "property," so properly called, of the Roman Catholic Church in Canada, does stand on precisely the same footing as that upon which the clergy reserves will stand if this Bill passes into law. Indeed, if you mean to hold out, with reference to this miserable sum of 6,000*l.* or 7,000*l.* a year —for that is what these dues and rights, so guarded, amount to—that they are protected by this enactment that any Bill affecting them must lie on the table of both Houses of Parliament for thirty days, I must say that I think it is a security to which very few of your Lordships would attach much value if he were personally concerned. Does any one believe that in the event of this Bill passing into law there will be the slightest obstacle placed in the way of any Act that the Canadian Parliament may pass upon the subject, beyond the exercise of that control over the acts of the Crown which exists in other matters of legislation? The noble Earl has stated that he believes this to be in general an undesirable provision, and I admit it. I know that, practically, the Colonial Office find it a difficulty, and that practically the Colonial Secretary is, to a great extent, relieved from the responsibility which should attach to him as the adviser of the Crown, and that he is often placed in an inconvenient position. The noble Earl (the Earl of Derby), in moving his Amendment, said that nothing could be more just and moderate than it is. Just and moderate, my Lords, no doubt it is, if we were now discussing a measure of confiscation or secularisation; and if there were now sitting, the one on one side, and the other on the other—the Canadian Parliament on the one side, and the British House of Commons on the other—it is exactly that just and moderate arrangement of a matter between a party who has the power and no right, and the other the right but no power, which is commonly called "splitting the difference." It says, "We will give over to you one portion of that which you claim as your right, and will retain the other part to ourselves, dividing it in such a way as we choose." But recollect, my Lords, upon what principle this measure is based. It is not based upon any question of whether the Act of 1840 was right or not—not upon any discussion of whether these clergy reserves shall continue to be appropriated, as heretofore, to the different religious denominations in that colony; but upon the question whether it is our business to dictate in this matter, or whether its decision belongs only to the Legislature of the country and of the people to whom these clergy reserves belong. That is the question before the House; and I say that this Amendment is not a just and moderate arrangement; that it is not a concession which is likely to be palatable to that colony, that you should now propose to hand over to them the management of the land, and assume to yourselves the proceeds from that land, which are already received and invested. The noble Earl said that he must consider that Her Majesty's Government has shown great uncertainty and vacillation of purpose in this matter. Vacillation and uncertainty of purpose! We have aimed at one object throughout; we have avowed no other, and avow no other now. But there is abundance of vacillation and uncertainty of purpose in the career of the noble Earl himself. In the other House of Parliament his late Colonial Secretary and his late Home Secretary attacked this Bill on the highest grounds of principle on which it is possible to object to a measure. The noble and learned Lord by his side (Lord St. Leonards) did the same while supporting the Amendment of the right rev. Prelate; and then the noble Earl steps in at the close of the debate, and says that he is willing to affirm the principle of the Bill; but that he will in Committee move an Amendment to abandon one-half of it and keep the other. I do not know what vacillation means if there is not vacillation on the part of the noble Earl. Whether it is dictated by a certain consciousness that he could not accomplish the whole—with an anxiety, if possible, to accomplish half—I do not know; but of this I am certain, that so far as any object of the Bill is concerned, I think it would have been more right, more just, and far more desirable, both as regards this country and the colony, that the Bill should have been rejected on the second reading rather than that it should go out to the colony with this principle engrafted upon it. Do you think this would be accepted by Canada as a boon? It appears that the noble Earl will never take warning, but that he is determined to pursue the same course on all occasions. Why did the Act of 1840 fail? Was it because the arrangement then made was unjust or bad? I do not believe that it was. But it failed because it was made by this House and the other House of Parliament, and was not made with the consent, the approbation, and the approval of the Canadian Parliament of that day. It has failed, however; and I tell you that if you now repeat that experiment and send to Canada this Bill, with this provision engrafted upon it, you will not be more successful. You will have abandoned one half of the Church property; you will have done that which you have declared to be sacrilege and a breach of the rights of property; and yet you will not have obtained peace or conciliated that colony, which the noble Earl says it is his anxious desire to make happy and contented. But the noble Earl has gone even further. He has made this broad distinction, as I have said, between the property in land, which, so far as I have understood the law of this country, was always held to be at least as sacred as any other property, and what he called on one occasion a realised fund, and on another invested property. But so anxious was he to deprive the Bill of any advantage for the purpose for which it was introduced—so desirous was he to prevent its being a boon to the colony—that he would not allow it to be a clear matter as to the land itself. If I could understand that the Legislature of this country was the proper arbiter in the matter, I could well understand that we might say, "Now, let us make an arrangement by which you take the land and we keep the money. The money is out of your sight. It is not perpetually amongst you. It is not liable to the same objections which apply to land." But the noble Earl will not allow that distinction. He keeps up this festering sore in the colony even as regards land, for he not only provides that the invested funds shall be secured to the Churches in their present mode of appropriation, and in the hands of the present trustees; but he says that all the rents accruing from any of the lands which may now be demised for terms of years, shall equally be appropriated. So that we are to draw this distinction—that so long as leases exist, the rents received for these lands are to be paid into the hands of the present trustees, and appropriated for the purposes of the Act of 1840; but as soon as the leases expire, the land shall revert again to the disposition of the Canadian Legislature. [Lord St. Leonards: No, no!] I dare say the noble and learned Lord who cheers me drew the provision, and can explain what it means. I have consulted two eminent lawyers, who both say that the nature of the provision is what I have described.

Lord ST. LEONARDS: I merely wish to state that I have had nothing to do with drawing the clause.

The Duke of NEWCASTLE: The noble Earl, then, has not drawn the clause with so much accuracy as the noble and learned Lord would have done.

The Earl of DERBY said, that he would not vouch for the entire accuracy of the legal phraseology; but with regard to the reserves, it was copied *verbatim et literatim* from the Act of 1840.

The Duke of NEWCASTLE: I know that, and could have told the noble Earl so before he said it. It is quite true that he copied *verbatim et literatim* from the old Act—"That the proceeds of the clergy reserves sold and to be sold," &c. Well, I again must tell him that there is no more land to be sold under the provisions of that Act. That Act provided that only one quarter of the land was to be sold; and a larger proportion than that, or than could legally be sold, has been already disposed of, and therefore legally and properly no more can be sold. But I wish the issue to be distinctly understood upon a question of such large importance to national interests as this. When we are told by a right rev. Prelate (the Bishop of Exeter) that if we pass this Bill we shall be incurring the guilt of Belshazzar, I call upon him to be true to his principles; and if he really believes that the sacrifice of the Act of 1840 would be a flagrant case of sacrilege; if he really believes that in this measure we shall be doing an act hateful to God, such as called down the Divine vengeance on the Assyrian tyrant in his gorgeous halls—I ask him if he, sitting in this gorgeous hall, will give his vote in favour of the act of sacrilege prescribed by this Amendment, as bad in principle, though only half in amount of that which Her Majesty's Government has been sinful enough, in his opinion, to propose? I say, moreover, again, reverting to the argument of the noble and learned Lord, that if it be true that we are about to violate the rights of property, which, if maintained at all, must be maintained universally—and he told us that the rights of the Church to the possession of this property were as sacred as those of any of your Lordships to his domains—I call upon your Lordships to vote in consistency against this proviso in its due order. If it be a sacrilege and an infraction of the rights of property, then you may vote equally against my Bill afterwards; but if you believe in the *dictum* either of the right rev. Prelate or of the noble and learned Lord, then you are bound in common consistency to reject this Amendment.

The Earl of WICKLOW confessed he had not yet had time to consider the clause as proposed to be amended by the noble Earl; and it appeared from the speech of the noble Duke who had just sat down, that there was some ambiguity in that clause— [The Duke of Newcastle: No, no!] At all events, he understood the noble Duke to argue that the clause did not bear out the interpretation given it by the noble Earl. If their Lordships would look at the end of the second clause, they would see that it contained an exemption —that it exempted those possessions which were in the hands of living incumbents. If it was the noble Earl's object that the proviso should be confined to the lands which have been already appropriated to the Church in Canada, and which should be exempted from the power of the Canadian Legislature, then he, for one, should be ready to give his support to the Amendment; but if it went further, and were to extend to unappropriated reserves, then he should certainly feel it his duty to oppose it. He would suggest, that if the former were the object, it would be better effected by the omission of the words at the end of the clause containing life interests "during the natural lives or incumbencies of the parties now receiving the same." He was perfectly willing to continue all those rights of property which the present incumbents possessed, and he trusted their Lordships would adopt the Amendment to that extent. He had listened to the noble Duke with great anxiety to hear what reasons he would allege against the Amendment, and he confessed he had heard none. He should vote against his noble Friend with very great regret; but he felt it a solemn duty to maintain those rights of property, as against the Canadian Legislature, which in his conscience he believed that the Legislature of this country would never infringe. He had but just met with a *dictum* of Lord Camden's, in the life of that eminent Judge, by the Lord Chief Justice, which seemed to him very apposite:—"One thing the Legislature has not the power to do; the Legislature has not the right to deprive any persons of their property without giving them compensation." The Church, both in this country and in Canada, he looked upon as substantially in the same position as to the question of property, and therefore he considered that the Canadian Legislature had no more power whatever over the property of the Church in Canada, than the Imperial Legislature possessed, or had ever professed to possess, over the property of the Church in England. The only argument he had heard from the noble Duke in support of the course he advocated was, that the Canadians would not be satisfied with any other. He believed, with the noble Earl opposite, that the Canadians were a wise and sensible people, able to exercise, and meriting to exercise, the rights of freemen; and that the day was not far distant when they would exercise those rights in perfect fulness; but if he were told that they should be alarmed at the prospect of Canada taking those rights into her own hands, he would at once say that the apprehension of any such step had not the slightest effect on him. He believed that Canada knew well that her best interests were only to be maintained by a connexion with this country; but if the day should ever arrive when they had reason to believe that Canada had altered that opinion, and imagined that she would prosper better when separated from this country, the only language we should address to her would be, "Go in peace!" His conviction was, that this country would be benefited by separation from Canada; but it should be left to her own choice whether such an event should take place, and until then we must continue to look on the withdrawal of the guarantee as involving a breach of faith and honour towards the colony. With regard to the withdrawal of the third clause, he thought it rather extraordinary that the House was about to pass this Bill without knowing the precise effect of the alteration. When the noble Lord the leader of the Government in the other House withdrew the clause, he did not say that the law officers of the Crown had assured him that it was totally useless; it was withdrawn on the very opposite ground, and as involving a breach of faith if it should be retained in the Bill. But they were now told that it did not matter the least whether the clause stood or not, inasmuch as it would be totally inoperative according to the opinion of the law officers of the Crown.

The Duke of NEWCASTLE: Nobody ever said it was inoperative.

The Earl of WICKLOW said, that clause annulled the guarantee, but as it had been withdrawn, he concluded that the guarantee stood untouched. [The Duke of Newcastle: Hear, hear!] Suppose the Legislature of Canada should reduce the funds set apart for the support of religion by 800,000*l.* or 900,000*l.*, did the guarantee on the Consolidated Fund stand or not? He (the Earl of Wicklow) maintained that it did, and that the Consolidated Fund of this country would be called upon to make good the deficiency if the Canadian Legislature confiscated any portion of that property. Was that just or fair towards this country? It was a direct *bonus* to the Canadians to confiscate the rights of the existing incumbents. At the time of arranging the terms of the compact with the colony, we took the guarantee on ourselves, reserving possession of the property to such an extent as to protect this country in the due exercise of their guarantee; whereas now it was an inducement to those who wished to disturb the present settlement to continue their operations, because they knew that individuals could not suffer, and that the Consolidated Fund of this country would be called upon to make good a deficiency. He wished that, before the Bill passed, their Lordships might be favoured with an explanation on this head.

The Earl of DERBY asked the indulgence of their Lordships for a few moments, having been requested personally by the noble Earl who had just sat down to explain the extent to which the Amendment went. The intention, and, he believed, the effect, of the Amendment he had stated precisely to be that which the noble Earl supposed—namely, to preserve to the Churches of England and Ireland all the proceeds of the revenues guaranteed to them and already appropriated under the Acts of 1827 and 1840; but to give to the Colonial Legislature the free and unlimited power of dealing with any portion of the clergy reserves which were not already so appropriated and allotted to the clergy of either of those Churches. With respect to the terms of the Amendment, he believed that they would carry out that view; but, at all events, he had stated when he put that Amendment into the hands of the clerk on Friday, that he hoped to make that opinion clearly intelligible, and that if the Amendment was adopted on that principle, and there were any technical difficulty with respect to the wording, he should make amendments so as to effectuate the intention in the progress of the Bill in Committee or on the third reading.

Lord WHARNCLIFFE said, he hoped for their Lordships' indulgence, notwithstanding the time already occupied by this discussion, whilst he explained the reasons why, feeling strongly on this question, he thought it his imperative duty to vote against the Amendment which had been offered by his noble Friend opposite, and to support the provisions of the Bill as proposed by the noble Duke. Having listened to the very able speech of his noble Friend in introducing the Amendment, he had heard nothing throughout it to convince him that it would be either fair towards the public of this country, or just or fair to the people of Canada, to adopt it. Its proposal had, however, at least done this service, that it had diverted the question from the broad and general grounds of argument taken up in the discussion of the former night, and placed it on the simple issue, whether they were bound by any distinct pledge implied in the Act of 1840. If it were maintained that that pledge was to be binding on the Imperial Legislature, whatever the amount of public dissatisfaction it might create in the colony itself, he must altogether protest against that view. It was important to ascertain the original views of the framers of the Act of 1791. Looking at the general tenor of the speeches then delivered, as well as at the terms of the Act itself, his strong feeling was that it was intended by its authors that it should be subject to alteration without any reservation. They had the words of Mr. Pitt, and they knew that he then said that all the parts of the Act would be subject to alteration. When the Act passed, making provision for the establishment and support of religion in that colony, it was regarded by the Government of the day in the light of an experiment. The great object of the Act was, to regulate the constitution of Canada; and it was intended, on the occasion of dividing the colony, to erect in it a constitution which should be as nearly as possible the counterpart of that of England. The reservation of a proportion of the public lands for the support of the clergy was a part of the experiment; but there could be no doubt whatever that the authors of the measure contemplated the possibility of its failing, and that, in case of failure, it should be subject to alteration. His noble Friend (the Earl of Derby) had laid great stress upon what he thought the enormity of the proposal for interfering with the strict engagement taken in 1840. If the Act of 1840 was to be taken as an engagement on the part of the Imperial Parliament to maintain the provisions then made, the Amendment of his noble Friend would be by no means sufficient to fulfil that obligation. He could not but regard it as an extraordinary and unwarranted course to propose an Amendment giving effect to this guarantee or engagement, so far as regarded the Churches of England and Scotland, but ignoring altogether the existence, the requirements, and the Parliamentary recognition of other religious communities in Canada. By the Act of 1840, the clergy reserves were not to be confined to the maintenance of the Churches of England and Scotland; it had been decided by the law officers of the Crown beforehand, that that would not be a correct construction of the original words, and that there were various other denominations which had precisely the same claim under that Act. The settlement of 1840 was not simply a redistribution of ecclesiastical property within the same Church, without any alteration in the distribution as regarded other bodies; it did not leave the funds to be managed by the same parties; but enacted a total change in the destination of those funds, thus showing that there was a substantial alteration taking place in the condition of the population which was to benefit by their legislation. They were told that it was their duty upon higher grounds to insist on the present application of those funds, in order to provide for the Canadian people that religious instruction which was so essential for their moral and spiritual welfare. Now he could, without hesitation, say that he most anxiously wished that the Legislature of Canada might think fit to preserve either the whole or a large portion of those funds for the purposes to which they were at present applied; for he was far from agreeing with the admirers of republican institutions, that the voluntary system had altogether succeeded in providing what was required for those purposes in America; indeed, he had seen enough of the state of that country to know that, except in a few large towns and the more populous districts, the voluntary system had proved an entire failure; therefore he thought it would be an essential blessing to the people of Canada to retain a fund of this description, not so much to support religion in those parts of the country which were well peopled, and where the inhabitants were able to provide an adequate maintenance for the ministers of religion, but to provide a missionary church, to labour in poor and thinly-inhabited districts, where there were no means of properly supporting such an institution. He did not, however, consider that even if the people of Canada should apply these funds to the promotion of education in the colony, they would be thereby transferring them to a system devoid of religious instruction. Still, these were not questions to be settled either in their Lordships' House or anywhere else without a consideration of the peculiar circumstances in which the people were placed, and also of the views held by the great majority of them on such subjects as an Established Church. He was not willing, after they had affirmed the principle that the control of the funds in question should be left to the Colonial Legislature, to concur with his noble Friend in introducing into the Bill an Amendment of which the effect would be, in the first place, to impair the completeness of the concessions made to the Provincial Legislature, and, next, to leave the whole question, in consequence of the rigid restriction of the benefits of the fund to the Churches of England and Scotland, in a posture of exclusion which did not even now exist. He thought it would be most unfair towards the people of Canada, and also most impolitic, to interfere with that principle of local self-government to which the noble Earl himself had given a considerable adhesion; and he should, therefore, do his best to co-operate in the endeavour to carry this Bill as it was proposed by Her Majesty's Government.

The EARL of DESART said, the noble Lord who had just sat down was still harping on the hope that the Canadian Legislature would not secularise the clergy reserves; but, in his opinion, the noble Lord was still mistaken in that hope. He (the Earl of Desart), thought that the noble Lord had, at the commencement of his speech, laid himself open to the accusation brought—and brought wrongfully—against the noble Earl who moved the Amendment. He (the Earl of Desart) should not touch on the question of whether a guarantee had been given to the Churches of England and Scotland by the Act of 1840, because it had been answered by the lucid explanation of the noble Earl below him; but he was not surprised that the noble Earl opposite (the Earl of Wicklow) should have found it difficult to discover much in the barrenness of the noble Duke's reply to the noble Earl who moved the Amendment. The noble Duke (the Duke of Newcastle) had accused the noble Earl of wandering from the subject of his Amendment; but he (the Earl of Desart) thought the noble Duke had himself wandered in his reply, because he found it difficult to answer the arguments of the noble Earl, or to prove that this property was not guaranteed to the Churches in question to be maintained for them inviolate. The noble Earl, in moving the Amendment, conscientiously thought that in so doing he was doing the best thing that could now be done for the Churches of England and Scotland in Canada, in preventing them from being robbed of that property which the State had consecrated to their endowment. There was a wide difference between prospective and retrospective legislation on the subject; and the noble Duke strangely confounded the independence of Canada with the right of spoliation in that colony. These lands in the colony did not belong to the colony, but to the British Crown; and the loyal subjects of her Majesty in the colony were one and all anxious that they should be continued in the Crown for the purposes of religious endowment. The pressure of the colony was spoken of, but he (the Earl of Desart) did not think they had anything to apprehend from that: even if they had, however, he held that it would not justify an abandoment of the course of strict justice. But the majority of the Assembly in Canada in favour of the measure now proposed by the Government, was not increasing; on the contrary, it was diminishing; and the majority as it stood did not, as had been already stated, represent the majority of the constituencies. It was a strong point in a weak argument. In passing this Bill, the Government were trying to conciliate two opposite factions—the Radicals of Upper Canada, who had formed an alliance with the French of Lower Canada, in the same manner as the malcontents of Toronto had evinced on a former occasion, by their sympathy with the latter, their hatred of British institutions. He (the Earl of Desart) hoped that this alliance might not have a similar result, and he should therefore cordially support the Amendment. He supported it with pain, he admitted, as his wish was to carry out in their integrity the principles of the Acts of 1791 and 1840; but as that could not be done, he would support that which was next best, and do everything in his power to preserve the property to the Churches of England and Scotland, which had been dedicated by the Crown and consecrated by the Legislature for their religious endowment. On the grounds of justice, therefore, as well as of sound policy, he called on the House to vote for the Amendment.

The Bishop of ST. DAVID'S said, that the noble Earl who had moved the Amendment had placed his opponents in this most painful had embarrassing difficulty, that it was absolutely impossible for any of them to address themselves exactly to the question then before their Lordships, and at the same time to discuss it upon the ground of any principle whatever. The noble Earl himself had distinctly acknowledged that his Amendment was a mere measure of compromise, and one the necessity of which he deplored; and that being so the question must undoubtedly be argued as simply one of expediency. If they did not all know the noble Earl's respect for the Church, they might really have supposed that he set little account by the understanding of that part of the House (the right rev. Bench), because the noble Earl had endeavoured to persuade them that if they affirmed the principle of this Bill, which merely declared that the Imperial Legislature chose to delegate a part of its supremacy to a Provincial Legislature, and to enable that Provincial Legislature to deal with a matter of local concern, they would thereby of necessity be precluding themselves on any future occasion from opposing any attempt to deprive the Church of its property. The real question now before their Lordships lay within a very narrow compass. The Imperial Legislature had had a request made to it by a Colonial Legislature. He apprehended that if such a request was refused, it must be upon either one or other of these two grounds—want of will, or want of power to comply with it. The noble Earl himself had not ventured to affirm in the abstract the proposition that the Imperial Legislature had not the power to accede to this request. But it was said that their compliance would involve an act of spoliation, of sacrilege, and bad faith. Now, if their Lordships were prepared to affirm that whenever property of any kind, real or personal, was once assigned for the maintenance of religion it could never be diverted from that purpose without those who effected that diversion incurring the guilt of sacrilege, then he admitted they had an answer which they might give to the demand of the Canadian Legislature; but unless they were prepared to take their stand upon that general principle, they had no colourable ground for refusing their assent to this measure. He was not now going to discuss the question, whether this really was an act by which they would incur the guilt of sacrilege, nor to inquire whether it was necessary for the interests of religion that that general principle should be affirmed; all he said was that it was too late for the Imperial Parliament to lay down any such principle, and to expect that it would be received by the Colonial Legislature as a good reason for refusing their request. To give such an answer to the people of Canada, would be to betray the grossest want of consistency, and to forget, not merely the main features of Parliamentary history, but the very history of the measure itself; and if the description that had been given of sacrilege was a true one, they had certainly incurred the guilt of sacrilege long ago, by the disposal they had already made of the very property which was the subject of the present discussion. There was more plausibility in the argument that this Bill involved a breach of faith on the part of the Imperial Parliament. The assumption upon which that argument was based was, that a compact existed, of such a nature as to bind the Imperial Parliament not to interfere with the arrangement of 1840. Now, so far from the Act of 1840 having been accepted in Canada as a final settlement, the letter to the Secretary of State for the Colonies of the right rev. Prelate who had so strenuously opposed this Bill, distinctly admitted that the Act of 1840 was introduced in the same Session as the Act of Union, for the very reason that if it had not been introduced then, there was not the remotest chance of settlement of the question of the Clergy Reserves. At the time that the union of the two provinces was proposed, the greatest impediment to the satisfactory adjustment of the affairs of Canada was these Clergy Reserves; and the friends of true peace and order in the colony, in concurrence with Lord Sydenham, thought a settlement of the question of the Clergy Reserves ought to precede the Act of Union. This at once showed that the Act of 1840 was an experiment, and that at the time it was passed it was doubtful whether it would be held to be a permanent settlement by the people of Canada. It was clear that there was no compact—that the question was not in any way withdrawn from the control of the Imperial Legislature—and that the arrangement of 1840 was never accepted as final by Canada. Well, then, Parliament having the power to reopen this question, and being able to exercise it without guilt or reproach, was it expedient to consent to the request made by the Canadian Legislature? Were their Lordships to say to the people of Canada, "We are of opinion that permanent endowments are the best provision for the maintenance of religion all over the world —we do not think you proper judges of this question—it is one that we reserve to ourselves to decide for you." Would not the people of Canada reply, "If the question as to whether religion should be maintained among us by permanent endowments or by voluntary contributions, is not purely a local and domestic concern, which concerns us and us solely, what is a local and domestic concern?—for what can be more intimately associated with our altars and hearths than this question?" There might be other considerations with regard to this Bill upon which he as well as others of their Lordships entertained strong feelings; but these considerations were but of secondary importance, and ought not to sway their final determination with respect to this measure. He could not, however, help reflecting upon the probable effects of a refusal to pass this measure in its integrity upon the interests of the Church to which he belonged in Canada. The rejection of this Bill on the ground of any supposed interest of that Church, would, in his opinion, place the Church in a position of very great danger to itself; because it would, in the first place, become the source of an indefinitely prolonged irritation, animosity, heartburning, and bitterness in the feelings of the population of that province. In the next place, the Church would be regarded as having been the means of inducing their Lordships to depart from the great principle which was essential to the stability of our colonial empire—namely, that it is the right of every colony to manage its own local and domestic concerns with unlimited freedom, so far as it did not affect the union between it and the Imperial Government. And besides this, it would be incurring that danger which he, for one, could not but most earnestly deprecate, although the noble Earl opposite seemed to contemplate it with indifference—namely, that of breaking the integrity of this Empire in one of its noblest and most vital parts, by the separation, whether in the form of independence, or of annexation, of the province of Canada from the dominions of this realm. Under these circumstances, the rejection of this Bill—so he conceived—would place the Church in a position that would be neither honourable nor safe. He might be told that those who had the interests of the Church in Canada most deeply at heart were willing to run all this risk; but whilst he respected the motives of the opposition which had been so strenuously made to this measure by the right rev. Prelate, whose letter to the Government had been alluded to, and those who shared in his views, he was afraid that their zeal, however laudable, prevented them from dispassionately weighing all the bearings and remote consequences of the course they so warmly advocated. He (the Bishop of St. David's) did not shut his eyes to the possibility—nay, the probability—that the forebodings of the right rev. Prelate might be realised—namely, that, if this concession were refused, the Canadian Legislature might take a step which—without imputing to it the guilt of sacrilege or spoliation—was sincerely to be deprecated on grounds of wisdom and policy. It might be that such would be the result; but he was sure the noble Earl's Amendment would do very little to better the case. If he believed that the Amendment of the noble Earl would be accepted as a final settlement of this question by the people of Canada, he should rejoice at it with all his heart. He saw, however, no rational ground whatever for expecting that such would be the case; and, therefore, in making up his mind to support this Bill, he thought they ought to be prepared for what in all respects he regarded as the worst. There might be a season of hardship, of difficulty, and of painful struggle for the Church of England in Canada; yet he feared that while underrating the danger of rejecting this measure, its opponents also exaggerated what they conceived to be its evil consequences to the Church. If the moderate provision which the Church in Canada now enjoyed were taken away from her, he ventured to hope that her own inherent vigour and elasticity would supply the means of making up her loss. But of this he was quite sure, that if they allowed the Church to incur the odium of being the occasion of producing the evils which he had described, she would not be one iota more secure against the calamity which she now apprehended from this measure; and should such a season be reserved for her, she would, at all events, have the satisfaction of being enabled, to pass through it without the slightest degree of self-reproach for any evil which she might have brought upon the general interests of the Empire—she would have preserved unimpaired and unabated the respect, the affection, the love, and the esteem of the Church of England in this country, and would ensure on all occasions her zealous co-operation and support; and he could not so despair of the blessing of Providence, either here or abroad, as to believe that any measure of human legislation which might deprive her of her temporal resources, would in the end prove fatal to the interests of the Church of England or of religion in the Colonies.

The Bishop of LONDON said, that his right rev. Brother who had just sat down had treated the subject as though it were simply a question of right, and had talked of a right inherent in the Colonial Legislature to discuss and decide upon all matters relating to their own internal affairs. But, if they possessed that power already, where was the necessity for this Bill? There could be no doubt that the first step consequent upon the passing of this measure would be the secularisation of the reserves; but he denied the justice or the propriety of the Home Government shifting to others the responsibility which belonged to themselves. For himself, he felt no doubt, on the other hand, if they did not possess the right, the solemn responsibility rested upon the House of saying whether they could, consistently with the principles of justice, confer that right upon them. If the prospect before them were such as to leave no doubt upon any reasonable mind that the almost certain consequence of this measure would be the secularisation of Church property in Canada, then to confer upon the Canadian Legislature the right to effect that secularisation, was a mere shifting to others' shoulders a sacred and solemn responsibility which at this moment rested upon their own. He could not have the slightest doubt as to the strength and firmness of the principle laid down by the noble and learned Lord opposite (Lord St. Leonards), and by the noble Earl who had proposed the Amendment to night—namely, that no such right was inherent in the Canadian Legislature; and he would go farther, and say that no such right, according to any principle of safe government, was vested in this House as that which the Bill proposed to transfer to the Legislature of Canada. A noble Lord said, the other night, that there was no such thing as a Church in Canada. No Church in Canada! Why, it was a true branch of the Catholic Church, and had been so recognised by Act of Parliament. He contended, therefore, that it was a Church—an acknowledged Church—and an effective Church; but that it would be neither acknowledged nor in an equal degree effective if the present measure were passed into a law. In standing up there to assert the rights of the Church in Canada, he did not refer to the rights of the clergy alone—he extended his sympathies further. He could not forget the attached and loyal body of men in that colony, who now constituted the strength of the connexion with this country; and he stood up in defence of the rights of thousands and hundreds of thousands of his poorer fellow-countrymen, members of the Church at home, who, when they transplanted their families, and founded new homes in that distant colony of the British Empire, carried with them the right which was the birthright of every Englishman—the right to participate in the consolations, the administrations, the sacraments of the Church, the preaching of God's Holy Word, and the pastoral superintendence of the clergy. With regard to the terms in which the most interesting and solemn appeal of the Bishop of Toronto to the English Government had been spoken of, he thought that no reasonable objection whatever had been urged to the statements and arguments contained in it; and he would further say, that if there were one man who more than another was intimately acquainted with the state of the colony, it was his excellent and venerable Friend, who had spent so large a portion of his life in unwearied toil and self-sacrifice there. He believed that they were about to take away from the existing population in Canada even the inadequate means which they at present possessed of providing for their Church. The tide of colonisation, far from having been stemmed or diminished, was still rolling on to those distant shores. Thousands of our countrymen were in these days forming settlements in districts where very little provision had been made for the enjoyment of the ministrations and comforts of religion; and if the scanty means the Church now possessed there were taken from her, it was not too much to say that the people in those parts would be left in a state of spiritual destitution. He said, then, that he was not at all speaking for the clergy, except as he regarded them as instruments in carrying out the work of the Church, as soldiers engaged in the warfare which they had to wage. He could not reconcile himself to the belief that the majority in Canada were in favour of this measure. He believed, on the contrary, that the majority were the other way, and he could not consent, for the sake of the minority, to sacrifice that Church which was their dearest and most valuable inheritance. He should give his vote without the slightest hesitation for the Amendment of the noble Earl, although he was sensible that it was open to some objections.

LORD LYTTELTON explained that what he had stated on Friday night was, that this question was one of strictly local concern, on which the Canadian Legislature had not an inherent right to decide, but a right to decide that had been conceded to it by the Imperial Parliament.

The DUKE of ARGYLL said, that as a member of the Established Church of Scotland, he was desirous of explaining to the House the grounds on which he felt himself unable to agree to the Amendment of the noble Earl, and the reasons on which he held not only that it was uncalled for by considerations of justice, but that its adoption would be a violation of sound colonial policy, and even of every principle of justice itself. He had listened with the greatest attention to the able speech of the noble Earl; but, he confessed, that at its close, he had found himself wholly unconvinced by his arguments. He entreated their Lordships to look at the position in which they would be placed, if, after having consented to the second reading of this Bill, they should afterwards adopt the Amendment of the noble Earl. The second reading of a Bill was usually considered to imply the assent of the House to its principle. He was, indeed, aware that the noble Earl and his friends had entered a protest against being supposed to give any willing assent to that principle; but he (the Duke of Argyll) was speaking of the position of the House. Now, what was the principle of this measure to which their Lordships had already given their consent, and from which they could not now recede? It was that great principle of colonial policy that it was the natural right of every colony to exercise exclusive control over all matters of purely internal concern. He did not mean mere legal right or power:—he fully admitted that the Imperial Parliament had the legal power of interfering in all the concerns of the colony—but he was arguing for the principle of natural right, and he submitted that that was a principle which they could not refuse to recognise, especially in the case of one of the oldest of our colonies, numbering 2,000,000 of inhabitants. Sir John Pakington, in his despatch, distinctly stated that he regarded it as a principle of justice, that in all internal matters the Colonies should be left to regulate their own affairs. The principle was allowed by the noble Earl himself; but the Amendment he had now proposed was in direct contravention of this principle. The Churches of England and of Scotland were not the only bodies interested in the funds to which the Amendment of the noble Earl related. He (the Duke of Argyll) knew that there had been a dispute respecting the meaning of the words "Protestant clergy" in the Act of 1791; and the noble Earl had on a former occasion intimated his own individual belief that, as far as regarded the intentions of the Government and Parliament of the day, by these words the clergy of the Church of England were alone meant. That opinion of the noble Earl had been, however, distinctly contradicted by all the Judges of England, who were consulted on the subject in 1840; and he (the Duke of Argyll) contended that the interpretation of the Judges was upheld by the language which had been employed about the time of the passing of the Act of 1791 by some of the chief statesmen of the day. It was one of the objections brought by Mr. Fox against the Act of 1791, that it would hand over one-seventh of the province of Canada to dissent; and from the language of Mr. Dundas also it was perfectly apparent that the interpretation put upon the words in the Act of 1791 by the Judges recently was the generally received interpretation at the time the Act was passed. During a long series of years, however, dissenting bodies had not been allowed to enjoy any portion of the funds. An opinion of the law officers of the Crown had been given as early as the year 1819 on behalf of the Church of Scotland, and it was somewhat discreditable to the Government of that day that that opinion did not seem to have been made public; and, although a certain sort of hush money was given, the grant was not made out of the clergy reserves, but from the territorial revenues. But, in the year 1840, the Judges of England were asked, "Is it your opinion that by the words 'Protestant clergy' were meant other than members of the Church of England, and if so, what others?" They replied, that by the words "Protestant clergy" were undoubtedly meant others besides members of the Church of England, and that the Established Church of Scotland was certainly one of the other bodies so included, though they did not say how many others might be included also. This was a most important fact, and it clearly showed that so far as the faith of Parliament was pledged by the original Act of 1791, it had been pledged equally to all religious bodies who, by law, were entitled to come under the denomination of Protestant clergy; and, accordingly, in winding up the whole question of the clergy reserves, they had, in the Act of 1840, dealt with those religious bodies as having as vested and as clear a right to participate in these reserves, under the Act of 1791, as the clergy of the Churches of England and Scotland. The Act of 1840 provided that with regard to all the sales which had taken place prior to that period, subject merely to the life interest of the parties to whom previous grants had been made, the whole of the funds should be appropriated to the Churches of England and Scotland, but of future sales that one-half should be set apart for those two Churches, and the other half for distribution among the other religious bodies of Canada. He contended, that both under the Act of 1791, and the Act of 1840, Parliament, if pledged at all to churches as churches, was pledged to all the dissenting bodies of Canada. Now, let their Lordships consider the position in which they would be placed in case they adopted the Amendment of the noble Earl. Except a noble Marquess, who was, he believed, a member of the Scotch Free Church, almost all of their Lordships, who were not Roman Catholics, were members of the Churches of England and Scotland. Now, would it not be said in Canada, "The House of Lords, which is entirely composed of members of the Churches of England and Scotland, take great care of the rights and interests of the Churches to which they belong; but when they come to deal with dissenting bodies, who have no representatives in that House, vested interests and rights are not cared for." He (the Duke of Argyll) protested against the doctrine which had been advanced, that these reserve funds stood on exactly the same footing as the endowments of the Churches of England and Scotland in this country. Let their Lordships recollect that the value of these reserve lands had arisen wholly from the labour of the people of Canada, and that for twenty years the lands had remained valueless because the labour of the people had not been brought to bear upon them. Now, he would say that, under those circumstances, whatever might be the legal rights of the Crown, we had no moral right to dispose of those reserves without reference to the wishes and feelings of the people of Canada. But then it was said, "Supposing we give up these reserves, how will the Legislature of Canada deal with them?" He was not willing to commit himself to any opinion about the future disposal of the reserves which events might possibly falsify. Undoubtedly, in giving up the uncontrolled disposal of these funds, we placed it in the power of the Canadian Parliament, if they should think fit, to dispose and alienate them, either for education, or for purely secular purposes. But the question for their Lordships to decide was, whether that power by policy and by natural right ought, or ought not, to be given to Canada. The noble Earl opposite had argued that this question was now beset with dangers which did not exist formerly, owing to the union of the two provinces. But let him remind the noble Earl that during fourteen or fifteen years before the union of the two provinces, there were no less than fourteen votes come to by different Parliaments of Upper Canada, pledging the Parliament of Protestant Upper Canada to the total and immediate secularisation of these funds; and there was at present more reason to fear the opinions and feelings of the people of Upper Canada than those of Lower Canada in regard to this question. The noble and learned Lord opposite had said that the sweeping away of the Protestant tithes had been due to the hostile feelings of the Roman Catholics of Canada—

Lord ST. LEONARDS said, that he had done no more than refer to the fact that the Colonial Legislature had abolished Protestant tithes, but had not attributed the act to Roman Catholics.

The **Duke of ARGYLL** begged the noble and learned Lord's pardon for unintentionally misrepresenting him. The opinion adverted to, however, was commonly entertained out of doors, although it was altogether erroneous. The tithes due to the Protestant clergy were never paid, because the Protestants were unwilling to pay them; and the Protestant Legislature of Upper Canada abolished them, on the ground that they were unnecessary, in consequence of reserved lands being set apart for the clergy. So far as we had opportunities of knowing, there was no reason to believe that the Roman Catholics of Lower Canada were likely to go against the Protestant feelings of Upper Canada. Then, as regards present apportionment of the reserve fund, it constituted a practical grievance of which the people of Canada had a right to complain. The proceeds of these reserves in Upper Canada, in 1852, had been 31,000*l.*; of which more than half had gone to the Church of England, upwards of 7,000*l.* to the Church of Scotland, and the remainder, amounting to about 5,000*l.*, was all that remained for division amongst the various Protestant bodies. He submitted to their Lordships that this was a state of things which presented a strong practical grievance, of which there was good reason to complain. Another point which had been dwelt upon during the debate upon this Bill was, that it was not a measure of peace but of religious war in Canada. Her Majesty's Government did not, in proposing this measure, suppose that it would be likely at once to put an end to all religious animosities in Canada. They knew very well that in conceding to Canada the privileges of freedom, they cast upon them its burdens also, and among the heaviest of these burdens, and the most difficult to deal with well and wisely, was that of religious divisions. One noble Earl had said that, rather than agree to this measure, he would consent to the dismemberment of the empire, and the final separation of Canada from England. [The Earl of Wicklow denied that he had said so.] He (the Duke of Argyll) was glad to find that he had misunderstood the noble Earl, for he could never hear such language applied with reference to one of our colonies without feeling desirous of at least entering his protest against it. He was aware that there were some persons who thought that the only advantage we could derive from our colonies was that obtained by exclusive commercial dealings. That opinion was now finally exploded; others, again, were disposed to withhold their sympathy from the colonies unless they saw in them an exact reproduction of the institutions of the Parent State. But though deriving from us the spirit and principles of their law, there were institutions which they could not copy. And among those of which it was hopeless to expect the reproduction in colonies, were Established Churches, with the endowments and privileges which their originals in the old world had acquired through a long series of ages. Nevertheless, the colonies had an important destiny to fulfil in connexion with the English Crown. They were able to exercise a powerful influence over an agent which was every day becoming of more importance—namely, the public opinion of the world. Gratified as we might be with the progress made by the United States—seeing that they were a people sprung from ourselves—it, nevertheless, was for the good of the world, and the high interests of humanity, that a separate nation should exist on the North American continent, and continue as long as possible in connexion with the British Crown, because of the influence it must exercise on many important social and political questions. We could not doubt, for example, that, even at this moment, the laws of England, as existing among the people of Canada, were having a powerful influence throughout the American continent upon that cause—the greatest now being pled at the bar of the Christian world—which, so far as our own country was concerned, was immortally associated with the names of Clarkson, Wilberforce, and Brougham.

Earl GREY said, that notwithstanding all that he had heard in the course of this debate, he felt more and more persuaded that the common sense of every man did recognise a most material difference between the property of individuals and that left for great national institutions, or for corporate bodies. If, for instance, the whole of the people of this country were to give up the Church of England, and to think its doctrines and existence injurious, would it be right that its property should still remain intact? Yet that was the principle involved in the argument of those who were opposed to this Bill. If he was not mistaken, the noble Earl (the Earl of Derby), a few days since, when discussing the propriety of continuing the arrangements with Maynooth, made use of an argument which appeared to him (Earl Grey) to have considerable weight in favour of this Bill. The noble Earl said, that if the arrangements made in 1845 with respect to Maynooth were binding now, they were only binding upon those who recommended them to the House so long as the circumstances existing at the time of the recommendation remained the same, and no ground was shown to exist for taking away the grant to the college. Upon this argument he (Earl Grey) would contend that, with respect to the clergy reserves in Canada, the Legislature was induced to pass a Bill in 1840, because it was believed that the arrangement it proposed would be acceptable in Canada, that the people of that colony would acquiesce in this settlement of a long agitated question, and that they would thereby be enabled to pass the Act of Union. Were these the circumstances now? Quite the reverse. It was admitted that under the Union Act—for the sake of which the Clergy Reserves Act was passed—that very system of government which was established by it would become utterly impracticable if the Imperial Government insisted upon preserving the clergy reserves. But a right rev. Prelate (the Bishop of Exeter) had said that it would be sacrilege to touch this Church property, and that the Act of 1840 was a compact which they were about to break. If he (Earl Grey) were to concur in that opinion, how would it help him with respect to this proposed Amendment? The noble Earl, in his Amendment, wished to draw a distinction between two portions of the property, and said there was one portion of it in Canada invested in trustees for the benefit of the Church, and that the Legislature of this country had no more right to take it, or sanction its being taken away, than the private estate of any individual. Now he (Earl Grey) denied that there was any property conveyed to trustees for the benefit of the Church. The Act of 1840 provided that the clergy reserves were to be sold, and that the produce was to be invested in the public funds of Canada and England, and that the produce of these funds was to be paid to the Receiver General of the province—an officer charged with the custody of the whole revenue—on behalf of the Government of Canada, who upon the receipt of a certificate stating the amount due to the Church of England and other denominations, was required to pay to each body the amount it was entitled to receive—the fund in fact stood upon the same footing as an appropriation of the Consolidated Fund in this country. How could these receipts be considered as being in any way more sacred than the lands? As the lands were sold, the Receiver General received the money, invested it in the funds, carried it to the general account of the State, and divided it in the mode already described. Their Lordships might reject the Bill altogether if they pleased; but, in the name of common sense and consistency, he thought they were not entitled to adopt the Amendment proposed. If it were sacrilege to touch Church property, it was sacrilege to deal with the land still unsold estimated at the value of 300,000*l.*, or with the income of the 31,000*l.* the proceeds of that already disposed of: if it were a breach of compact in the one case, it was equally so in the other. The Legislature of Upper Canada proposed an arrangement which would have secured for ever a large portion of the property to the Church: the principle adopted was that of distributing it among the various religious bodies nearly in the proportion of their numbers. But what was the practical effect of the arrangement of 1840, which the Imperial Parliament had, very unadvisedly, substituted for the Act which had obtained the assent of the local Legislature? In Upper Canada, in 1852, the total income of the fund was 31,400*l.* Out of that income the Churches of England and Scotland received 22,664*l.*; the Church of Rome, 1,666*l.*; and all other denominations of Christians, 8,073*l.* Among those included in the other denominations were about two-thirds of the whole Presbyterian body, who had joined the Free Church, and the whole of the powerful and numerous body of Wesleyan Methodists. The total number of all these other denominations, to which but about one-third of the whole income was given, was something short of three-fourths of the whole population. That was the unjust arrangement which it was proposed to perpetuate by the Amendment of the noble Earl, giving to the local Legislature no power of control whatever, and leaving it only to deal with the lands unsold, and which in the space of fifty years might probably realise 300,000*l.* Considerable confusion appeared to prevail in the minds of some noble Lords with respect to encouraging religion, and merely perpetuating endowments. There was, however, a broad and distinct difference between the two objects. He would appeal to those who wished to encourage the spread of religion in Canada, whether they thought it worth while, for the sake of a miserable sum of 22.000*l.*, to make that Church, in whose welfare they were interested, odious to the whole people of Canada?—to connect that Church in their minds with a great grievance, and to produce those bitter feelings which such a connexion would inevitably create? He believed there was no greater mistake than to suppose that they could promote religion, or the substantial interests of the Church, or of religion, merely by heaping money upon it. Religion was too high and too sacred an object to be thus treated, and its influence over the minds of men was not to be purchased, but attained by far different means. Some years since, when he sat in the other House, large votes were annually given for the Church in Canada, partly under the head of the Society for the Propagation of the Gospel, and the others included in the Army Estimates. One of the first questions in which he took an interest was, the impropriety that the people of England should be taxed for the religious instruction of the people of Canada. In 1831, when he held office under Lord Ripon, it was determined that the system should not be any longer continued, and it was decided that all those clergymen who were in the possession of stipends supplied by this means should hold them for their lives only, and that the charges should gradually drop. These charges are now in process of extinction, and at present they amounted but to a comparatively small sum. When this arrangement was first proposed, there was a general cry that the interests of religion in Canada were about to be sacrificed, and that the moment you ceased to treat the Church as a favoured establishment it would droop. The result, however, had been found to be the reverse, and it had been clearly shown that in proportion as they had thrown the Church in the colony more upon its own resources—as they had adopted a system less invidious in the eyes of the people of Canada—precisely in that proportion the Church had continued to gain strength, and was at present in a far more flourishing state than at the time it was receiving large grants from the people of this country. The interests of the Church, therefore, as well as the political interests of the empire, called upon their Lordships to pass this Bill in the shape in which it had been introduced; but if their Lordships were determined to reject the Bill, he appealed to them to reject it in a plain and straightforward manner by a vote upon the third reading, and not to concur in an Amendment which had no principle to stand upon, and which was open to every objection which might be urged against the maintenance of the existing system, and which, at the same time, had none of even those partial advantages which the advocates of the existing might contend for in its favour.

Lord ST. LEONARDS said, that, having occupied their Lordships at such a length upon a former occasion, he wished now only to make a few observations upon the Amendment of his noble Friend; and he would beg in the first place to observe, that that Amendment in no way touched the question of the expediency of the original endowment. The question rather was, whether or not they should take from Canada the property of the Crown, which had been given by the Crown and vested by Parliament with the knowledge of the Crown, in order to endow and maintain a Protestant clergy in that country. And he would here beg to remind their Lordships that the Church in Canada consisted of others besides the clergy, and that their Lordships had to consider something more than the vested interests of the clergy. They must remember the interests of those of the laity who knew that their whole chance of continuing to receive religious ministration depended upon the life of a person under arrangements which conferred only a stipend for life, and that the accident of his death would deprive them of the means of receiving religious instruction. Was it a light matter that their places of worship should be shut up, because the Canadian Legislature desired to have a control over property to which it was not entitled? The question had been argued as though it were one between the Church of England and the Dissenters; but if the Colonial Legislature were to acquire the control over these lands, it would cease to be a question between the Church and the Dissenters, because, if secularised, the whole fund would be devoted to other purposes. It had been asked, what was the difference between the two funds referred to in the Amendment of his noble Friend? There was this important difference. In the one case there was a fund actually existing formed from the moneys received from the sale of the lands, and which had been already appropriated to religious uses. In the other case there was a quantity of 1,400,000 acres of land, the value of which was not less than 300,000*l.*, which had not yet been sold, and not, of course, appropriated to any religious purposes, and this it was proposed by way of compromise to hand over to the Colonial Legislature to deal with as it might think fit. His noble Friend was willing to make a compromise, and to give up the prospective appropriation, on condition that the retrospective appropriation should not be dealt with by the Canadian Parliament. The noble Earl (Earl Grey) asked why his noble Friend gave up one fund and not the other? But if a man by the right of the stronger took away from him the whole contents of his purse and gave him half back, which he accepted, was he to be told if he complained that he was a sad fellow, and that it could not be called robbing him, when he was content to take half his property? His noble Friend had been anxious, as far as he could, to save what could be saved for the Churches of England and Scotland. One point worthy of consideration was, as to the practical working of this Bill. If the Bill passed, it was not as if the endowment to be preserved was itself land. If the land was all that remained, and that land was to be preserved as an endowment, it might not be immediately broken into; but with a very large sum in ready money, would the Canadian Legislature hesitate to take that fund and appropriate it to secular purposes? The question before the House was not whether they were to endow, or not to endow, but whether they would destroy an actual endowment which the Church possessed in Canada, and possessed by as good a title as could possibly exist. The opponents of this Bill did not deny, and had never denied, that the Imperial Parliament might have the power of undoing that which it had done. The Act of Union was an Act of the Imperial Parliament, and one upon which the whole depended. Now, if they could deal with the clergy reserves, they could deal also with the Act of Union, and in the same way they could take away the system of representative government conferred upon the colony. No one, however, would venture to do this, not because it would be more unjust than to take away the clergy reserves, but because they dare not—because they ought not. But so, also, they ought not to do that which the present Bill proposed. The noble Earl (Earl Grey) had endeavoured to show that the money fund formed a portion of the consolidated fund of Canada, and must be dealt with as public money. In that, however, he was quite mistaken. It formed no portion of the consolidated fund—[Earl Grey: I never said it did]—nor did it form part of any public fund.

Earl GREY had never said it formed part of the consolidated fund of Canada. He said it was invested in the public funds of Canada and this country for certain purposes, in the name of the Receiver General, to whom dividends were paid, and by whom they were paid upon warrant for certain purposes.

Lord ST. LEONARDS did not wish to fix certain words upon the noble Earl; but the noble Earl had said it was part of the public fund of Canada, as plainly as language could speak:—the whole purport of his argument had been to show that the money produced by the sale of clergy reserves formed part of the public fund, under the control of a public officer, and that, therefore, there was nothing exclusive on the part of the Churches of England and Scotland as to their possession. Then the noble Earl had likened the clergy reserves in Canada to the case of Maynooth. But the case of the clergy reserves was perfectly different from that of Maynooth. The grant to Maynooth was paid out of the Consolidated Fund, upon which it was entirely dependent, and the object of making it permanent was to prevent those squabbles which ensued every year when the money for the maintenance of that institution was voted annually. The grant to Maynooth, therefore, stood upon totally different grounds from the clergy reserves, and the noble Earl entirely failed in endeavouring to bring the case within the same category. The noble Duke opposite (the Duke of Argyll) had stated that the Dissenters had a vested interest in this property in Canada, because the Judges had decided that the term "Protestant" included the Scotch Church. Nobody doubted that; but they did not say that the whole body of Protestant Dissenters were included. He must remind the House that it was by the Act of 1840 that provision was made, not only for the Church of England and for the Church of Scotland, but also for every class of Dissenters; and his noble Friend's Amendment left 1,400,000 acres of land to be distributed among the different dissenting claimants, after securing the Churches of England and Scotland in the enjoyment of the funds which had been appropriated to them by law. The real matter for their Lordships to decide was this:—their Lordships were not now dealing with a Canadian Act of Parliament, they were not considering whether they would or would not give their sanction to an act of the Canadian Legislature; but they were to decide solemnly whether they would now consent to repeal the settlement of 1840—a settlement which, although he had been in opposition in the House of Commons at the time, he had not hesitated to vote for, as he would again, upon the ground of its being a national settlement. Nothing would have surprised him more at that time than to be told that, after the lapse of a few years, the very men who had propounded and obtained the sanction of Parliament to that measure, as an act of peace and justice, and one necessary to cement the union then agreed to, would come forward and ask the Legislature to undo all that had been done, and deprive the Church of the provision which had then been stipulated for and conceded. On account of these clergy reserves the Canadian Legislature had abolished tithes

Lord St. Leonards

to the Protestant clergy; and if this measure passed it would cut their support from under them; whilst the tithes of the Roman Catholic clergy would remain untouched. He cordially acquiesced in the reasonable Amendment of his noble Friend, though open, as he admitted it was, to objection upon principle as giving way at all in the matter, and he hoped their Lordships would, by adopting it, show that they also considered it a reasonable compromise of the question.

The BISHOP of OXFORD: My Lords, I think that if any argument was needed at this late period of the night to convince the greater number of your Lordships of the inconvenience, and, I must say, as it seems to me, the inconsistency into which the noble Earl opposite has fallen in proposing this Amendment, it will be found in the speech of the noble and learned Lord who has just sat down, when that speech is compared with that which the noble and learned Lord delivered on Friday night. Whether you agree or disagree with that speech of Friday night, I think you could not fail to admire the strong masculine understanding, the vigour of intellect, the perspicuity of expression, and the graceful courtesy which dignified the address which the noble and learned Lord delivered on that occasion. Granting the principle laid down by the noble and learned Lord on Friday night to be correct, I should say his speech was unanswerable; but I deny the principle, and therefore I cannot agree to the speech. I confess I do not see anything like the masculine vigour and perspicuity in the speech of the noble and learned Lord to-night which characterised his address on Friday—it is enveloped in doubts and difficulties from the impossibility of his making clear the difficult position he has had to occupy. The noble and learned Lord had at once to argue—and I will presently bring him back to the illustration he has used this evening—he had to argue at once that what you are going to do is sacrilegious, and yet that it is your bounden duty to do it. And what was the noble and learned Lord's illustration to-night? He said, "Oh, it is a compromise. It is like saying to a man 'Give me your purse and you shall have half of it back, and I will keep the other half.'" But is that exactly the position of matters which the noble and learned Lord intended to illustrate? Is not the illustration this, that your Lordships are going to be parties with the Canadian Legislature in pillaging third parties? The illustration, therefore, to be correct, ought to be this—that your Lordships are joining with a man who is going to take another's purse, and join with him contentedly, and then you take half the victim's money, and afterwards say because you only took half you are free from the guilt of having taken the whole. That is the difficulty which, it appears to me, inevitably attaches to the proposition of the noble Earl (the Earl of Derby). No man listened with greater anxiety than I did when the noble Earl stated that he had an Amendment to propose which your Lordships might adopt. It seems to me, however, that, like most other half measures, it exactly falls into the predicament that it neither saves the principle contended for by the noble Earl himself, nor that which the Bill before your Lordships seeks to establish. It seems to me that it completely sacrifices both, and is therefore completely inadmissible. I think the noble Earl urged the other night that this was the final settlement of a great question, twice guaranteed by Parliament, by two separate Acts of the Legislature, once in 1791, and again in 1840. But does not the noble Earl's Amendment just as completely overturn that settlement as the Bill before your Lordships? To me it appears that his Amendment overturns that settlement as completely as the Bill proposed by the Government, and perhaps in a more dangerous way than if you gave to the Canadian Legislature the power sought for by them of dealing with the reserves in question, and they should proceed as the noble Earl thinks they will proceed. The noble Earl says this property stands on precisely the same footing as the property of the Church of England and Ireland, and that we are leaving it to the Canadian Parliament to set an example of confiscation in this matter; but I think the noble Earl has been led away by a confusion of the words "appropriation" and "allotment." In the one case certain estates have been given—many by the charity of private individuals—to particular parishes to provide for the inhabitants of those parishes a particular form of religious instruction; but they are altogether alien from all public funds, and are placed in this respect exactly upon the footing of private property. Can the noble Earl tell your Lordships that this is the same as the property comprised in the clergy reserves? Those reserves were granted by the Crown, as possessed of common right in the land of an acquired province; that grant of the Crown was afterwards established by Parliament; and the original object of that grant was the maintenance of the Protestant clergy. But your Lordships will see what a distinction there is between the two cases. They are not allotted to any particular parishes, and one point respecting the object of the Bill has been wholly misunderstood, out of doors at least. It is alleged that it is proposed to give the Canadian Legislature power to strip the various rectories which were endowed of their endowments. Now, there is no such power whatever in this Bill. The endowments given to the various rectories are given in the same way as to the rectories in England, and there is no power whatever in the Bill to take away those endowments. It is important to remember that this common fund was intended to be administered, as Parliament ordered it should be administered, in the province of Canada. In the original Act it is expressly provided that this fund should be so administered until it should be altered by the power that originally created it. Instead of being a grant in perpetuity allotted to specific grantees, it was ordained to be from time to time administered by the Legislature of Canada. Is there, then, any clear analogy between the two cases as put by the noble Earl, and how does the Amendment proposed meet the matter? The noble Earl goes perniciously on in the exact direction which the measure of the Government seeks to avoid. He says, "We will secure for the Canadian Legislature one half, and you shall confiscate the other half." He therefore makes you do the very thing which he and my right rev. Brother condemns as sacrilege. It is proposed now that we should take on ourselves the dealing with one-half of the property, while we are told that the dealing with it at all is a sacrilegious act. The Amendment, therefore, entirely fails in carrying out its own principle. The principle involved in the question is a very simple one. The principle on which the original measure was supported was not on the ground that it is good to confiscate an acre of the land; it was simply that we are bound, as a matter of right, to allow the Canadian Legislature to deal with it. The noble and learned Lord (Lord St. Leonards), on a previous occasion, did me the honour to say that I had failed to establish that the Canadian Legislature had any such right; that if anybody could have established that right, I would have done so; and that as I had not done so, he concluded there was no such right in existence. That was certainly a most courteous and flattering remark, only I venture to say I think that right can be established. I do not mean for a single moment to say that there is any legal right in the Canadian Legislature to settle this question; for if there is a legal right, why in the world are we now discussing it? A right may mean different things; it may stand for a legal right, that proper laws will enforce, or that far higher right—that basis of moral right—that claim of high moral equity which every written law ought to embody; and, I maintain, my Lords, that by the higher law of moral equity the Canadians have a right to deal with this question. The analogy of natural rights will show noble Lords what I mean. I say that the child, as he approaches to maturity, has a right to be treated by the father with increasing liberty. He has not a legal right, but he has a high moral right to be so treated; and as the child approaches to maturity, if the father binds himself by obligation to give him a certain allowance, there comes a new right then, and the father has no right afterwards, when he has made that promise, because he disapproves of the way that child may spend the money, to withdraw that grant altogether. The example may be applied to a Colonial Legislature. You have given a Colonial Legislature to Canada, and in despatch after despatch you continually told them that you intended that Imperial questions should be reserved for the Imperial Parliament, and that domestic concerns should be left to the Colonial Parliament. Therefore, you are under a moral obligation to them not to interfere with their rights. It was of that species of right I spoke. You have given to this colony a responsible government—responsible to the people of Canada on the one side, and to the Crown of England on the other side; but that Government is a mockery and a lie if Parliament the moment they think the Colonial Legislature is about to use their power for what they may think an injurious purpose, interpose and say, "This is an imperial matter, we reserve the right of dealing with it to ourselves, and you shall not meddle with it." It was this argument of right and justice that was so complete an answer to the right rev. Prelate (the Bishop of Exeter); and as this may be, in fact, considered an adjourned debate, I will refer to one thing in the speech of the right rev. Prelate on Friday evening. I know he did not mean what he said unkindly, but it will be in the recollection of noble Lords that he drew a very long, a very plausible, and I am sure I may call it a very ingenious argument, to disprove this right, from the conduct of one very dear to me, and whose name to bear is my highest honour and greatest blessing. The right rev. Prelate declared that I had robbed that name of its highest honour by the argument I had used on this question. My Lords, I must beg your Lordships to pause before you agree with the right rev. Prelate in that opinion; for I can assure you that there is no feeling dearer to my heart than the honour of that honourable name. I deem it to be my greatest boast to be sprung from one, who, gifted with the vastest opportunities—with the friendship, the closest friendship of England's greatest Minister—the highest powers, and the most commanding social position—used them all for no personal aggrandisement, and died a poor commoner—a poorer man than when he entered public life, seeing every one of his contemporaries raised to wealth and hereditary honours, leaving to his children no high rank or dignity according to the notions of this world—but bequeathing to them the perilous inheritance of a name which the Christian world venerated. My Lords, I cannot bear that it should be said, though in the most oblique way, or that by any deduction from what I say it should be held, that I for an instant have derogated from his fame; but I cannot admit, my Lords, that I have done so. There is no sort of parallel between the cases of Canada and of the West Indies. In the first place, the subject on which we were engaged in relation to the West Indies, was a great imperial question with which this country could deal. This country had encouraged slavery; it had set up the slave trade, and had made slavery throughout its colonial possessions one of the great features of its imperial rule. But the country, mainly through God's blessing on his (Mr. Wilberforce's) efforts, came to a sense of this evil, and began to redress this injustice. On beholding that bright star of liberty that began to rise on its colonial subjects, it was the duty of this country, in her Imperial capacity, to prepare the way for a total change of things; and I feel on behalf of the Canadian Legislature, somewhat indignant when the West Indian Legislatures, as they then were, are spoken of as a parallel to it. It is known that the Legislatures of the West Indies were not at that time the deliberative bodies of young States that were springing forth into a beautiful maturity, but of bigoted colonies, whose councils were governed by the slave planters' representatives and overseers. I almost feel indignation when the right rev. Prelate likens the Canadian Legislature to such bodies as these, as if he were adopting those opinions that were too current some years back, but are now happily passed away, and which were embodied in a saying of the great moralist, Dr. Johnson, who, speaking of our American brethren, said, "After all, Sir, they are but a nation of convicts, and if we let them escape hanging, it is good enough for them." My right rev. Brother, when he endeavoured to convince your Lordships that the West Indian Legislatures were proper exemplars of the Canadian Parliament, forgets the responsibility that belongs to it. The case now shown why there should be an alteration of the law of 1840 is plain. At that time a large share of the proceeds of those reserves were given to the Church of Scotland. They were so given before the frightful disruption that had taken place in that body; and in Canada the greater number of those who formerly profited, and who it was intended should profit, by that grant, do not profit by it at all, because it is given only to those who have not separated from the Presbyterian Church as established in Scotland, and he left off at the most remarkable part of it;—they say that a necessity, therefore, exists for altering the arrangement, and they are the proper persons to make it, and neither demand can Parliament gainsay. The settlement proposed by the noble Earl, in his Amendment, neither grants their request nor saves our honour. The right rev. Prelate, the other night, quoted the beautiful description by Burke of the imperial power of Parliament—its grandeur, and the singleness and nobleness of its aims; but my right rev. Friend went but a little way in that speech, and he had a convenient memory when he stopped where he did. It happened that within a week before I had been reading this very speech myself, and the matter was fresh in my mind, and I ask your Lordships to let me read three or four sentences additional to show you that the opinions of Edmund Burke were different after all from what you would infer from that quotation of my right rev. Friend. That nobleminded and truly great man spoke in this way:—" An ardent love of freedom is the predominating feature of your American Colonies; and as an ardent is always a jealous affection, your Colonies become suspicious, restive, and intractable when they see the least attempt to wrest from them by force"—(he seemed almost to have foreseen what occurred on Friday night, and, if your Lordships will allow me, I will put in on Friday evening)—" or to shuffle from them by chicanery," as is perhaps attempted now, "what they think the only advantage worth living for." The fierce spirit of liberty is stronger in the English colonists than in any other people of the earth, because they are the descendants of Englishmen. My Lords, I do declare that, if I may venture to believe that if the faintest echoes of our voices shall approach those still and calm shades where I rejoice to think the spirit of that mighty patriot rests, he would be moved almost to indignation at hearing that his name was quoted, not to assert for those American Colonies the right to manage their own affairs, but was quoted because we so distrust them that we will not give them the power of dealing with the question of the endowment of their own clergy. Late as it is, there is one single consideration with which I must trouble your Lordships before I sit down. I ask your Lordships solemnly to put this question to yourselves as statesmen, before, by a direct negative, or by the adoption of this Amendment, you destroy this measure—Can you hope that you will be able to prevent the speedy passing of this Bill? Does any one noble Lord in this House believe that if this Bill be thrown out it will settle the question? Does he not know perfectly well that, instead of settling the question, it will embitter the question, and excite still warmer feelings in the colony? Will it not come back again to you with redoubled force, so that it will be impossible to put off beyond a few years the settlement of it? The noble and learned Lord argued that there would be particular danger in granting this measure, because the money could be easily handled; but he must first kill off the immediate receivers of the money before the money can be touched at all. The immediate seizure of it is impossible, because the lifeowners will have possession of it; and before those men who are now secured by the Bill shall have passed away, you will be compelled, whatever your present decision is, to pass a measure similar to the present Bill, and you will not gain one single advantage, while you alienate all the generous feelings of the people of Canada from the nation, and, what is far more important, from the Church for which you are legislating. I know it is said that the right rev. Bench to which I belong are to judge of the measure not by its policy, but by what is called its religious aspect; but I deny altogether that there is any difference between them. It would be tantamount to a profession of atheism to avow that we have any other policy than the will of God, and that which is not the will of God is not a true policy; therefore there is in my mind no difference between the political and religious aspect of the question, because the object of both must be to do His will. I know how much better many of my right rev. Brethren are than I am; but not one of them can possess a more ardent love for the Colonial Church than I do. I ask them to weigh well what will be the result of their causing the members of the Canadian Church to trust to their support, instead of to their own efforts to preserve those endowments? No person regrets more than I do that I should be obliged to differ from the opinion of my right rev. Friend the Bishop of Toronto; but I have a fear which is greater than the fear of differing with him on this question—the fear of leading upright, generous and devoted men to think that the House of Lords can defend the Church in that colony, or maintain them on ground that must sink from under them, thereby causing them to incur the distrust and suspicion of the people by identifying themselves with the party that refuses to the Colonies the power of self-regulation. When a few years shall have passed, the question will come with increased force; we will be obliged to give them up, and we must leave them to place their trust and confidence in their fellow-citizens. I declare I believe that no gift could be more deadly to that Church than the gift of that endowment, if it were to be preserved, against the will of the Canadian people, by the power of your Lordships' House. It has been said in the other House that the endowments of my see might be fairly confiscated because I had said I was ready to give them up, which I certainly beg to assure your Lordships was quite a mistake. I have not the smallest intention to do so. But rather than our Church should be maintained in the possession of its estates by the force of a foreign power, I would see it beg from door to door for the maintenance of its altars and the support of its ministers. And if you say to the Canadian Legislature that you distrust them, and will not allow them on this question to legislate for themselves, are you not putting yourself in the position of a foreign Power maintaining a home Church? For the sake of the quiet of this great colony, for the sake, above all, of the peace and prosperity and spiritual strength of the Church, I beseech your Lordships not to be led away from this simple question—whether, with a responsible government, and whether with a Colonial Legislature, they, and not we, are the persons justly entitled to deal with this great question?

The BISHOP of EXETER said, his right rev. Brother had misinterpreted a good deal of what had fallen from him on Friday night, and had, besides, accused him of misquotation. [The Bishop of OXFORD explained he had not done so.] Certainly the right rev. Prelate, after what he said, ought to have adduced some words from the passage in Mr. Burke to show that he (the Bishop of Exeter) had purposely abstained from quoting the rest of the passage because it would be against his argument; but the words of Mr. Burke, cited in proof of this charge or insinuation by the right rev. Prelate, had no bearing whatever on the great principle, which was, whether or not the Imperial Parliament sat, "as it were, on the throne of Heaven," to direct, guide, and control all local and colonial Legislatures. The right rev. Prelate had thought fit to represent him as depriving his father of his highest glory: now certainly nothing could have been further from his thoughts. What he said was, that the position taken up by his right rev. Friend did virtually rob his father of his highest glory; for, if the Legislatures of the West Indies ought not to be subject to the Imperial Legislature, then that great man was acting on one lengthened course of wrong and oppression with regard to them. The right rev. Prelate asserted it was an imperial question to the Parliament of this country to protect the slaves living in the West Indies. He (the Bishop of Exeter) admitted that; but he also held that it was clearly the imperial duty of the Crown and Legislature of Great Britain to protect the provision by George III. for the clergy in our colonies—he held it was as much an imperial duty of the Legislature to protect the provision of the clergy in Canada, as it was to protect the slaves in the West India islands. Were they to be told that the highest, the spiritual, interests of one hundred millions of people who, it might easily be believed, would at some future day people the vast extent of the province of Canada, were to be dealt with at pleasure by the two millions at present scattered through the country? They had heard that night from the Lord Privy Seal (the Duke of Argyll), for the first time that it had ever been heard in that House from the bench on which the Ministers of the Crown sat, the assertion of the principle that because the value of the lands in question arose from the capital and labour employed upon them by the Canadians, therefore they had the sole right to deal with them. The same assertion had been made by the Chancellor of the Exchequer in another place. Why, this was the merest Chartism; it was clear that there would be no lack of persons to succeed Feargus O'Connor, who had been lately declared incompetent to fill the post of Chartist leader, when the Chancellor of the Exchequer could assert that those had a right to lands who gave them value by the employment of their labour upon them. He had been taunted with gross inconsistency, if he should vote for the noble Earl's Amendment. But nothing, he thought, could be plainer than the course which it behoved him to take upon the present occasion. He held that these reserves had been given to the Church, and that they could not be taken away without sacrilege. Those who did not believe that the Canadian Legislature would secularise them if this Bill were passed, were no doubt not guilty of sacrilege in supporting it; but those who like himself thought that would be its effect, would undoubtedly be so guilty. In that case, the noble Duke the Secretary for the Colonies, said that he (the Bishop of Exeter) must vote against the Amendment of the noble Earl, because it disposed of a portion of the clergy reserves. Now the fact was that that Amendment did not give the Colonial Legislature the power to secularise any part of these reserves, but it deprived them of dealing with the invested portion. For that reason he should support the Amendment; but as he thought that it was equally sacrilege to give up the other portion of the reserves, he should, even if the Amendment were carried, vote against the third reading of the Bill.

The EARL of DERBY: My Lords, after the long debate that has taken place upon this question, I shall not trespass on your Lordships' attention for more than a few minutes. It is impossible, however, for my noble Friend near me, or for myself, to accept the designation or pass over the language of the right rev. Prelate who spoke last but one (the Bishop of Oxford). I cannot admit that my Amendment seeks to obtain, either by force or by shuffling and chicane, the control of the Canadian Legislature; and if I know anything of the right rev. Prelate, I think he will feel with me that some apology is due to those noble Lords who act with me in this case, as well as to myself, for having so pointedly characterised the Amendment. The right rev. Prelate thought fit to say, whether the Bill was rejected on the second reading or altered by the Amendment, the rights of the Canadians were about to be wrested by violence or shuffled away by chicane. I disclaim the offensive imputation on my own part and on the part of my noble Friends, and the right rev. Prelate will, I hope, see, on reflection, that however he may have been led away in the heat of argument, by what he thought the strong point he made in his speech, the application of such terms to us was neither true nor justifiable. Neither can I accept the character which the right rev. Prelate has given the Bill, when he said it was solely to leave the local Legislature their own undoubted rights in this matter, nor of the Amendment, which he said appropriated one-half of the clergy reserves in Canada. What the Amendment does is this—I never said a syllable about sacrilege—what the Amendment does is this—that whereas the Bill, as introduced by Her Majesty's Government, proposes to leave to the local Legislature the whole appropriation of the clergy reserves without distinction, the Amendment proposes precisely in the same manner, and neither more nor less, to leave to that Legislature—it does not affect to itself to appropriate—the appropriation of so much as—straining the point for the purpose of making a concession to our Canadian fellow-subjects—as much as we think we can leave to them without a distinct violation of the principles of justice. We do not propose to appropriate a shilling, or even a halfpenny, but we propose that, one-half of the amount having been appropriated to special purposes, we believe it to be vested with all the rights of property, and therefore nothing can induce us to consent to its sacrifice to the Canadian Legislature. I have heard with surprise a right rev.

Prelate of the Established Church compare our endeavours to maintain inviolate the rights of that Church in Canada to the interposition of a foreign Power—

The BISHOP of OXFORD explained. What he did say was, that such was the strong feeling in the American colonies of Great Britain on the subject of local self-legislation that the sentiment excited by the Amendment on their minds would bear a clear analogy to what would be the feeling of England in the case of foreign legislation upon a similar subject.

The EARL of DERBY: The explanation of the right rev. Prelate certainly conveys quite a different meaning from that which I understood him to convey. While I am disposed to give the Canadian Legislature, therefore, all the power of local self-legislation which they can desire, or which they can exercise in all that concerns their domestic matters, I am not prepared to say that I look upon that Legislature as so absolutely independent of the Imperial Parliament that we should abandon altogether to it those rights of property which we hold sacred, so long as that colony remains nominally subject to the Crown of England. The noble Duke (the Duke of Newcastle) has said that, according to the principles I have laid down, the rights of property should be maintained as in favour of the dissenting bodies in Canada, in the same manner as in favour of the Established Churches of England and Scotland. I deny the analogy, because I deny that by the Act of Parliament constituting those reserves any body or bodies whatever, excepting the Churches of England and Scotland, have a right to any portion of their appropriation. It is quite clear that the only interpretation of the Act of 1791, and the Act of 1840, is, that a certain definite proportion should go to the Churches in question. Another definite proportion was given, not to any denomination of Dissenters, but handed over to the local Legislature to be by them appropriated to the purpose of distribution among bodies. Under the terms of the Act there is no dissenting body whatever that has any right or any power to lay claim to any portion of it. Let us see now in what manner the local Legislature of Canada has dealt with these clergy reserves in the past, as data for the future; and I beg the attention of those members of Her Majesty's Government who are deluding themselves with the idea that they are as safe in the hands of the Canadian as in the hands of the Imperial Legislature. The noble Duke said the sum appropriated to the Churches of England and Scotland was 25,000*l.*, that to Dissenting bodies 5,600*l.* The noble Duke, however, was not quite right. Half the new fund allotted for distribution was 7,000*l.*, and the noble Duke was doubtlessly misled by the figures on the paper. The noble Duke, however, on looking more closely, will see that this is only the balance which the local Legislature locks up in its coffers, and which it does not appropriate to any denomination of Dissenters whatever. The Church of England had two-sixths; the Church of Scotland one-sixth; the Roman Catholics 900*l.*, and the Wesleyan Methodists, 203*l.* The balance remaining was 5,618*l.*; therefore, when the noble Duke asserted that 5,000*l.* were appropriated, it was only the balance of 7,000*l.*, 2,000*l.* being locked up and unappropriated. The noble Duke will find also, that from 1847 to 1852 there has been a gradually accumulating balance which now amounts to 20,000*l.*, and which locked up, because unappropriated to the dissenting bodies, will be liberated if the present Bill shall pass, and placed entirely at the disposal of the Canadian Parliament. I am placing the question on its proper ground. The noble Lord opposite places it on the absolute and indefeasible right of the Colonial Legislature to dispose of the clergy reserves. I do not admit this claim. I am willing to concede it in all cases over which the local Legislature has legitimate authority and control; but I maintain that it has no such authority or control in respect to that portion of this property made over to the Established Church of England and Scotland. That is the plain principle on which I proceed; I admit that the Amendment does not go to the full extent of my own views or of this principle; but I have adopted this course in a spirit of concession, and it stands on the broad claim to distinction that exists between the portion of the property in question applied to civil and that portion applied to religious purposes. I ask the House, therefore, to maintain to the utmost extent the rights of property, and, while conceding all that should be conceded to the principle of self-government, to relinquish in nothing the principle of the sacredness of property.

The BISHOP of OXFORD: I must entreat your Lordships' indulgence while I briefly refer to one point in the noble Earl's speech. I think your Lordships must have remarked that when I made the quotation to which he has referred, I did so with a smile, and not with the intention of imputing anything to noble Lords opposite. I have many friends amongst them, and nothing could be further from me than the intention to say anything offensive to them. All that I meant to say was, that you (the Opposition) would have been defeated in a division on the second reading of the Bill on Friday evening, and that thinking you could secure the same effect as would have attended upon success then, by a judicious Amendment in Committee, you took that course. I did not think that unparliamentary. At the same time, I must remind the noble Earl that to speak of the promoters of this Bill as advocating a shuffling and shifting policy, was calculated to prove offensive to them, as I believe it did prove to my noble Friends near me.

The EARL of DERBY: My Lords, I accept at once the explanation which has been offered by the right rev. Prelate; but when he tells me that it is impossible for him to say anything offensive because he has a smiling face, he will forgive me if I quote in his presence from a well-known author, without intending, in the least, to apply the words to him,—

> "A man may smile and smile, and be a villain."

[*Cheers, laughter, and some deprecatory remarks from the Ministerial benches.*] I am at a loss to conceive to whom what I say can be offensive.

The EARL of CLARENDON: It is to me. [*Loud cheers.*] It is to me, I say. [*Renewed cheering.*] I and my noble Friends near me were offended by that expression. We are not accustomed to hear such expressions. We are not accustomed even in the language of poetry, to hear such a word as "villain" applied to any noble Lord in this House.

The EARL of DERBY: I must say, my Lords, that I think the indignation of the noble Earl is wholly uncalled for, and is especially unbecoming the position he holds in Her Majesty's Government. He must have heard me say, before I used the expression to which he refers, that I was simply making a quotation, and that I was quite certain that the right rev. Prelate would feel that I was not applying to him the expression which occurred in that quotation, any more than that I believed, after his explanation, that he intended anything personally offensive to me. I think, therefore, it will be quite time enough for the noble Earl to vent his indignation when he happens himself to be the object of personal attack. I can assure your Lordships that I had not the slightest intention of doing so in this instance; and I do not think that the general feeling of the House at all joins in what, I must say, is a somewhat singular demonstration—a waste of indignation, which I suppose was called forth by the protracted length of the debate.

On Question—Content, 78; Not content, 117: Majority, 39.

Resolved in the *Negative;* Bill *reported* without Amendment; and to be read 3ª on *Thursday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, April 25, 1853.

MINUTES.] NEW WRIT.—For Taunton, *v.* Arthur Mills, Esq., void Election.

NEW MEMBER SWORN.—Viscount Goderich, for Huddersfield.

KNARESBOROUGH ELECTION COMMITTEE.

MR. WALPOLE brought up the Report of the Committee appointed to try and determine the petition against the return for the borough of Knaresborough. The Committee had determined—

> "That Joshua Proctor Brown Westhead, esquire, is not duly elected, and ought not to have been returned a Burgess to serve in this present Parliament for the Borough of Knaresborough.
>
> "That Basil Thomas Woodd, esquire, is duly elected and returned a Burgess to serve in this present Parliament for the said Borough of Knaresborough.
>
> "That John Dent Dent, esquire, is duly elected and returned a Burgess to serve in this present Parliament for the said Borough of Knaresborough."

Report to lie on the table.

BERWICK-ON-TWEED ELECTION COMMITTEE.

MR. KER SEYMER brought up the Report of the Select Committee appointed to try the petition against the return at the late election for Berwick-on-Tweed. The Committee had determined—

> "That John Stapleton, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough and Town of Berwick-upon-Tweed.
>
> "That Matthew Forster, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough and Town of Berwick-upon-Tweed.
>
> "That the last Election for the said Borough

and Town of Berwick-upon-Tweed is a void Election."

The Committee had agreed to the following Resolutions:—

"That John Stapleton, esquire, was, by his agents, guilty of treating at the last Election for the Borough and Town of Berwick-upon-Tweed.

"That Matthew Forster, esquire, was, by his agents, guilty of bribery at the last Election for the Borough and Town of Berwick-upon-Tweed.

"That it was not proved to the Committee that the said acts of bribery were committed with the knowledge or consent of Matthew Forster, esquire.

Report to lie on the table.

SEIZURE OF WARLIKE STORES— M. KOSSUTH.

MR. T. DUNCOMBE: I wish, Sir, to ask the noble Lord the Secretary of State for the Home Department a question in reference to what he stated on a former night on the subject of the seizure in a dwelling-house—which, however, now turns out to be not a dwelling-house, but a manufactory—at Rotherhithe, of certain implements of war and gunpowder. The noble Lord stated on that occasion that there had been a considerable number of war rockets, in various stages of preparation, seized at this place; that there were seized also 2,000 shells, and a considerable quantity of the composition with which rockets were filled, and 500lb. of gunpowder. The noble Lord, drawing a distinction between the composition with which rockets are filled and gunpowder, on that occasion I took the liberty to say, on the authority of Mr. Hale's son, that there was not an ounce of gunpowder found on the premises. I now ask the noble Lord whether he was not in error when he stated that 500lb. of gunpowder were found, in addition to the rocket composition, which might or might not be gunpowder, but that was hereafter to be decided by another tribunal.

VISCOUNT PALMERSTON: I must say, Sir, in reply to my hon. Friend's question, I have been misinformed in regard to the matter. In respect to that part of my statement my information has been erroneous. I was informed that 500lb. of gunpowder, in addition to a certain quantity of what is called rocket composition, together with other materials, were seized; but it appears by the report of what took place at Bow Street on Saturday, that the total quantity discovered has been 260lb. of that substance, in regard to which it still remains to be determined on Thursday whether it is of the nature of gunpowder. I do not venture to anticipate the decision that will be arrived at; but I certainly was wrong in saying that 500lb. of gunpowder were found, in addition to a quantity of the composition with which rockets are filled.

MR. T. DUNCOMBE said, he would now give notice that he should on Thursday next move for copies of all the correspondence in the custody of the Ordnance Office on the subject of Mr. Hale's inventions in regard to rockets.

LORD DUDLEY STUART said, he wished to say a few words in reference to the question of the hon. Member for Finsbury (Mr. Duncombe). The noble Lord (Viscount Palmerston) had frankly and promptly recalled the statement he made the other night relative to the seizure of certain munitions or preparations of war. As the matter had been commented upon by the public press, and connected with the character of an illustrious exile, who had taken refuge from his oppressors in this country, and as it had been imputed to M. Kossuth that warlike stores were found in the house of Mr. Hale for his use—it was right that the true facts should be publicly known. He knew that many people in this country thought there was some foundation for the charge against M. Kossuth. He had heard people say if M. Kossuth knew nothing about the stores, why does he not take means explicitly to deny the charge. He had now to state, that as soon as M. Kossuth was informed of what had taken place in that House, he, on the day when the charge was made, did him the honour to address a letter to him which he received late at night. He would, with the permission of the House, read the letter, as it was short:—

"Alpha Road, St. John's Wood,
April 15, 1853.

"My Lord—In answer to your kind note, I have the honour to say that all the accusations in the *Times* of to-day about a house in my occupation having been searched, and a store of war materials belonging to me been discovered and seized, are entirely unfounded. Not only in no house in my occupation, but also nowhere else in England, could have been any store of war materials belonging to me discovered and seized, from the simple reason that I have no store of war materials whatever in England. But while I give this plain and flat denial to the alleged charge, I desire explicitly to be understood that I do not disavow my hostility to the oppressors of my country, but rather avow openly my determination to free my country from them. To this, my aim, I shall and will devote all my life and all my activity, and to this activity I never will recognise any other limit but *honour, morality, and the laws of that country where I hap-*

pen to reside; and as it is not contrary to honour and morality to have stores of war materials to be used when required in the service of my country, I declare that such I have, but I have them in such countries where it is lawful for me to have them even with those intentions which I openly avow. But in England I have them not, because I have been told that some doubts may be entertained about the legality of such an act. With this explanation I repeat, no store of any war materials of mine could have been seized, because I do not possess, either directly or indirectly, anything of the kind in this country.

"I remain with high regards and particular consideration, my Lord, your's respectfully,

(Signed) "L. Kossuth.

"Lord Dudley Stuart, M.P."

Subject dropped.

FINANCIAL STATEMENT—THE INCOME TAX.

House in Committee of Ways and Means. Question again proposed—

"That it is the opinion of this Committee, that towards raising the Supply granted to Her Majesty, there shall be raised annually during the terms hereinafter limited, the several Rates and Duties following (that is to say):—

"For and in respect of the property in any lands, tenements, or hereditaments, in the United Kingdom, and for and in respect of every annuity, pension, or stipend, payable by Her Majesty or out of the Public Revenue of the United Kingdom; and for and in respect of all interest of money, annuities, dividends, and shares of annuities payable to any person or persons, bodies politic or corporate, companies or societies, whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing to any person or persons whatever, resident in the United Kingdom, from any kind of property whatever, whether situate in the United Kingdom or elsewhere, or from any annuities, allowances, or stipends, or from any profession, trade, or vocation, whether the same shall be respectively exercised in the United Kingdom or elsewhere; and for and in respect of the annual profits or gains arising or accruing to any person or persons not resident within the United Kingdom from any property whatever in the United Kingdom, or from any trade, profession, or vocation, exercised in the United Kingdom; for every twenty shillings of the annual value or amount thereof—

	£	s.	d.
For two years from April 5, 1853 ...	£0	0	7
And for two years from April 5, 1855 .	0	0	6
And for three years from April 5, 1857	0	0	5

"And that on April 5, 1860, except as to the collection of monies then due, the said Rates and Duties shall cease and determine.

"And for and in respect of the occupation of such lands, tenements, or hereditaments (other than a dwelling-house occupied by a tenant distinct from a farm of lands), for every twenty shillings of the annual value thereof, one moiety of each of the said sums of 7*d.*, 6*d.*, and 5*d.*, for the above-named times respectively."

Sir EDWARD BULWER LYTTON rose to move, by way of Amendment, that instead of the Resolution as it stood, to leave out all after the word "that" in the commencement of the Resolution, for the purpose of inserting the words, "That the continuance of the income tax for seven years, and its extension to parties heretofore exempt from its operation, without any mitigation of the inequalities of its assessment, are alike unjust and impolitic." He would endeavour to condense, as closely as possible, the arguments he proposed to use to enforce his Amendment. The right hon. Gentleman the Chancellor of the Exchequer had informed the House he regarded the income tax as the keystone of his financial scheme; and the right hon. Gentleman requested the House not so much to give attention to the keystone, as to bestow their admiration on the various superstructures it was intended to bear. But he thought it was necessary that the House should first examine the keystone, to find out whether it was quite perfect, or whether it needed repairs; by doing this they would be able to look with more satisfaction at the superstructure. He would admit that there was much in the Budget worthy the high reputation of the right hon. Gentleman, and of the approval of the country; and he would grant, also, that the income tax might fairly be retained for a certain period, in order to enable the right hon. Gentleman to develop his financial scheme; but if the tax were necessary, it was not necessary to renew also all its defects—there was no reason that the country should not possess all the good things in the right hon. Gentleman's Budget, in combination with that reform in the income tax which was demanded by justice and the sense of the country. There was this marked difference between the right hon. Gentleman and those who had supported Lord Derby's Government; namely, that when the late Government proposed to deal with the income tax, they made it an indispensable condition to remove from that impost the elements of unpopularity, and to establish a clear distinction between precarious income and income derived from realised property. The right hon. Gentleman the present Chancellor of the Exchequer refused to make that distinction. He proposed to leave the principal objections untouched. Now it was precisely because he concurred in the two fundamental premises of the right hon. Gentleman that he was compelled to come to a different conclusion. He agreed with the right hon. Gentleman, first, that the income tax was a mighty financial resource, which should be kept available in all times of adequate need; and, secondly, that it should not be regarded as an habitual feature of our taxation. But exactly because he wished to have this tax available, with the ready assent of the people, in any future need, that he asked the House to remove from it those features which now made it so unpopular; or if it were held unwise to correct the machinery of the tax, we should at least endeavour to console those who were ground down by that tax, by showing them we would not maintain it a single year longer than we could help. The right hon. Gentleman, however, determined to do exactly the reverse, for he retains all the inequalities of the impost, and postpones its suspension to the furthest possible period. Seven years might be a short period in the history of a people, but it was a long period in the lives of a generation; and at the end of seven years what guarantee was there that the tax would be abolished? The right hon. Gentleman candidly said he did not wonder at the incredulity of the people on the subject of the repeal of the income tax, when he recollected the promises of his predecessors; but, said the right hon. Gentleman, "I will state the calculations and resources on which I rely for the extinction of the tax, and then leave the public to judge for themselves." The right hon. Gentleman, accordingly, luminously summed up the amount of his financial expectations, if not to their satisfaction, at least to his own; and showed that in 1860 there would be a balance arising from his scheme, which would enable Parliament to dispense with the 6,000,000*l.* contributed by the income tax to the revenue. But the right hon. Gentleman did not take into the account the *per contra*, that all this time Members on both sides of the House would be doing their best to forestall his balance sheet. If hon. Members, even on the right hon. Gentleman's side of the House, had refused to wait four days before they embarrassed his whole Budget by the repeal of the advertisement duty, how could the right hon. Gentleman possibly suppose that his opponents or the independent Members would wait seven years without interfering with that balance with which he proposed to pay off the income tax by propounding reductions of their own? Every class had some particular interest against some particular tax, stronger than its share in the general interest against the income tax; and the right hon. Gentleman might rest assured that these particular interests would not wait to make themselves heard till the precise period which the right hon. Gentleman had marked for the full development of his plans. And just in proportion as the revenue was most flourishing—just as the terminable annuities were falling in—the advocates for the repeal of the paper duties, for the abolition of the stamp duty on newspapers, for the repeal of the malt tax, and so on, would the more eagerly press forward their claims, deaf to any pathetic appeal not to derange the balance that was to pay off the income tax. So that when the time came to slay the giant, the giant would have grown bigger and stronger than ever—be cased in the same impenetrable brass—and not a pebble would be left in the brook that would fit into the sling reserved to kill the Goliah. But supposing those fears vain, and supposing no taxes were taken off, still the right hon. Gentleman was compelled to base all his calculations on the bold assumption that the remissions of taxes would have replaced themselves by 1860—that from analogous experience he had a right to assume that after the reductions the amounts received from the various articles in 1860 would be nearly the same as now. The public income, the right hon. Gentleman told them, by the remissions he proposed, would be diminished to the extent of not less than 5,384,000*l.*; but then, said he, by the commercial law of reproduction, the amount of loss to the taxes would have replaced itself by 1860, and that at that time he would have an available surplus of 5,959,000*l.*, which would enable the House to do away with the income tax should it think fit. The right hon. Gentleman's scheme all depended on that assumption. Now he granted that a reduction of duties on articles largely consumed did ultimately replace itself by increased consumption; but the House must recollect that that rule applied to duties reduced—and had obviously no application to articles the duties on which were absolutely repealed. And yet the right hon. Gentleman proposed to abolish altogether the duties on soap—in amount 1,120,000*l.*, and on certain other articles of Customs, amounting to 53,000*l.*; making a total of 1,179,000*l.* of taxes absolutely abolished, and which, therefore, as a matter of course, would not be subject to the commercial law of reproduction. How could the duty be replaced when it was altogether abolished?

Looking further, he found other items which the right hon. Gentleman expected would be restored to the revenue in six years. He found colonial postage 400,000*l.*; but, this was an absolute expenditure, not a duty to be reproduced. Then the law of reproduction was not applicable to articles of luxury, such as carriages, horses, &c. The duty on these articles was to be sacrificed to the extent of 340,000*l.* Then, with respect to spirits, what became of the law of reproduction there? It was calculated that the duty would not be diminished but increased by 436,000*l.*, in consequence of the proposed change; but who could say that the increase, whatever it might be, would not be supplied by illicit distillation, and that the augmented receipts would not go into the pocket of the illicit distiller, instead of enriching the Exchequer? Together, these items amounted to two millions—of which one portion was not subject to the commercial law of reproduction, and the larger portion was made up of duties abolished altogether; yet the right hon. Gentleman relied on these items to produce him one-third of that surplus which, in 1860, was to get rid of the income tax. He might be told that, though individual reductions should not replace their loss to the revenue individually, yet that their effect in stimulating the general energy, and in consequently promoting the general prosperity, would operate equivalently. But there would be another operation going on at the same time; the greater the general prosperity, why, the greater the amount paid in the shape of income tax, and the greater, therefore, the unwillingness of any Chancellor of the Exchequer to part with so productive an impost when the time came. Thus there was this double risk for the country—first, that, in prosperity, the Chancellor of the Exchequer would not part with the income tax, because it was so rich and ready a resource; and, secondly, that in adversity it would become a matter of necessity to retain it. He objected, then, to the continuance of the income tax for the period of seven years, without any guarantee that it would be abolished at the end of that time; and if he had any doubt on that point, and if he wished for proof that the right hon. Gentleman himself doubted the realisation of his hopes, he would find a confirmation of those doubts in a letter which appeared in one of the journals of that morning. The letter was written by the right hon. Gentleman in reply to a question from a clerk at Birmingham, asking him how he was to be benefited by the income tax? The right hon. Gentleman, in one part of his letter, informed the sceptical clerk—"The tax collector, should Parliament adopt the Government proposition, will, about January, call upon you for the half-yearly payment of 1*l.* 0*s.* 10*d.*," pleasantly adding that the visit "will be repeated in July, and this for seven years; when—unless Parliament, in consideration of other public benefits or necessities not yet foreseen, should prolong the tax, it will drop altogether." Upon such a qualified assurance as this, he thought the House would hardly consent to continue this tax for seven years—to continue it moreover with all those characteristics of unfairness and inequality which so tended to demoralise the public. The right hon. Gentleman admitted, with his wonted frankness, that the fraud and falsehood engendered by the operation of the impost in men engaged in trade and business who made out their own returns, constituted one reason, and a main reason, against the tax. But why, he would ask, were this fraud and falsehood found in classes before proverbial for their straightforward integrity? Why, but because those who had to pay it saw in it so much inequality and injustice as to reconcile their consciences to every method which could evade the intention of the law. It was a property in human nature, that evasion of the law became general the moment the operation of the law became over-harsh or unjust. Thus, when death was the punishment of offences not grave enough for that extreme penalty, jurymen had belied their consciences, and acquitted the offender. Thus the old severity of the game laws had enlisted sympathy on the side of the poacher; the same principle had bonded together the whole peasant population of Ireland against laws which they feel to be partial, and that same principle now would gradually rot away the honesty of the British tradesman. But he contended that all the objections to the income tax as it now stood, applied with increased force to its proposed extension. The late Government proposed to extend the tax to incomes of 100*l.* a year, but they determined the tax should be placed on that equitable footing required by the great body of the public. The present Government proposed to extend it to the same incomes, whether justly or unjustly assessed—they proposed to extend it to that class whose humble subsistence was drawn from their daily labour; they proposed to extend to men whose humble circumstances must more tempt them to evade it, that same law, perfectly unmitigated, which had already corrupted the morality of men much better off; they proposed to give injustice a wider circulation, to create a wider hatred than that which already prevailed—to sink deeper still into the heart of the nation, not only a hatred of the tax, but the demoralising effects which it produced. The Government said, "We will extend the tax to Ireland." He would not argue whether Government were doing right in inflicting another burden on that country at the very period when a revolution in all the tenure of real property was yet going on; but he thought no greater insult could be offered to the common sense of that country than to propose to do away with a partial debt as a compensation for the obligations of a general tax. One could be no compensation for the other. What consolation, for instance, would the landlords of Clare feel on being told by Government, "You are wiping out a debt incurred by a parish in Limerick!" So, instead of making the extension of the tax a matter of fairness and justice, it was only an extension of iniquity. It was for the plain reason that in great measures of taxation it was necessary to go with the great intelligence of the people, that he should not follow the right hon. Gentleman through all those ingenious arguments and references to special instances and examples, by which he had vindicated the present adherence to the income tax; because, even if he granted that the right hon. Gentleman had made out his case to the satisfaction of highly-educated logicians, still he feared that the stubborn prejudice of less scholastic persons would rebel against his reasoning, and that the tradesman, after puzzling his head with all the ingenious definitions and distinctions of the right hon. Gentleman, would still blunder back to his old position, and would say, "That may be all very fine, but I can't for the life of me conceive that it is just that that income which a man enjoys for his life upon secured capital, and may give to his heirs, shall pay the same as mine, which I may lose by a casualty or by a stroke of paralysis to-morrow, leaving my children to the care of the parish." The right hon. Gentleman must remember that it had been said by the highest authority that it was never enough to prove that a tax was just in the abstract, but that it was much more important for the safety of the commonwealth to convince those who paid it that there was justice in its application. He did not allow, however, that the right hon. Gentleman could make out his case to the satisfaction of logicians, and he denied altogether the accuracy of the deductions which he had drawn from the special instances he had cited to show what might be called "the latent impartiality" of the burden. If they deducted legal expenses, management charges, and repairs from real property, it actually, said the right hon. Gentleman, paid 9*d.* in the pound, while the tradesman paid but 7*d.* If they looked, however, with equal liberality to the reductions which should be made to traders in the shape of bad debts and matters of that description, he apprehended that that difference would vanish altogether. But was there no other property besides that in houses and land with which the tradesman came in comparison? There was no reduction for repairs upon the property of the fundholder, for example; he received his income net and clear, yet he was taxed at the same rate only as the man who had no capital save his industry, and no security save his health. That the right hon. Gentleman was aware there was injustice in this was perfectly clear, because, after having told them that land was the most severely taxed of all, he nevertheless proceeded to say that he shared in the feelings of those who considered that the tax pressed too hard upon intelligence and skill, and not hard enough upon property; and he then set to work to repair that injustice by laying the additional burden upon the owners of real property of a new tax amounting to no less than 2,000,000*l.* a year. But the right hon. Gentleman said, "See what difficuties you involve yourselves in if you attempt to classify incomes; the incomes from some trades are better than those derived from land, and in trades themselves some are worth only three or four years' purchase, while others are worth twenty-five years' purchase." Of course, those disparities would exist, and it was very hard to deal with them strictly; but the same disparities existed in all phases of life, and these small petty matters of detail must be discarded, and broad distinctions only must be recognised. The same thing must exist, for instance, in the case of assurance on lives; but, if actuaries were possessed of the same finely-discriminating genius as the right hon.

Gentleman, he believed that the scruples which would be engendered would prevent any assurances being effected at all. Fancy a grandfather and a grandson presenting themselves at the same office. According to general tables, the grandfather's life might be worth five years' purchase, the grandson's twenty-five; but suppose the actuary to be of the ingenious and discriminating turn of mind of the right hon. Gentleman, he might say—"Oh, but youth runs more dangers than age—the young man may hunt, and may fall from his horse, or he may shoot, and be killed in a *battue;* I really don't know that the young gentleman's life may not be worse than his grandfather's." And so it might be in some individual cases; still, if it were not pretty clearly established that grandchildren lived longer than grandfathers, assurance societies would have been ruined long ago. By the same argument some incomes derived from trade might be more valuable than incomes from real property; but they must lay down a broad principle in dealing with these questions, and that was the one broad general principle, that income that was derived from secured capital was, on the whole, incontestably more valuable than income that depended upon the accident of health. He had promised to be brief, and he had been so. He believed he had touched upon all the main points of the question, and he was willing to leave to others the filling up of the details. He had endeavoured to show that, if the tax were continued as a temporary tax, it was continued far too long—until there would be instilled into the hearts of our countrymen both a hatred, derived from a sense of injustice, and the demoralisation that belonged to a war between conscience and law; but that, if it were intended to be permanent, or rather easily susceptible of revival, then the first step should be to remove that which most tended to induce opposition, and allure to fraud. He had endeavoured to show that the tax was unjust in itself, and that their extensions were not politic, when, with the tax, they extended also that injustice which those who had paid it hitherto complained of. He had endeavoured also to show that the right hon. Gentleman had given them no guarantee that the income tax should cease in 1860, and that the surplus on which he relied was exposed to great hazards; and, lastly, that the arguments of the right hon. Gentleman, founded upon special instances and examples, were not of a nature to satisfy or console those who paid the burden. The right hon. Gentleman would believe him that he would be the last man to depreciate his high powers and attainments. On the contrary, he hoped, if defeated in this measure, that the right hon. Gentleman would do as others had done before him—would correct his measure, but retain his position. It had sometimes been represented that the country Gentlemen were indifferent to all taxes that did not oppress themselves. He rejoiced that, upon this occasion at least, they could triumphantly rebut that charge. It might be true that some had thought it their duty—and he believed correctly thought—to vindicate the claims of British industry upon the part of the farmer. It was something of the same principle that they would defend now in the case of the British tradesman, because they believed that the rights of industry were invaded whenever Government taxed at the same rate the precarious earnings of labour and their own hereditary possessions. There had been, he believed, some vague intimation of a dissolution, in case this measure should be lost. He and those with whom he acted were quite ready to encounter such a calamity. He could not pretend to judge how many Gentlemen, the representatives of towns, might be disposed to vote against this Resolution. He could not doubt their honest motives if they did; but, if they did, and if the threatened dissolution occurred, let them go back to their town constituencies, canvass them on behalf of the income tax, and tell those whose sole fortune was their toil and skill how they had been opposed by those selfish aristocrats, the country Gentlemen of England, and the supporters of Lord Derby's Administration.

Amendment proposed—

> "To leave out the words 'towards raising the Supply granted to Her Majesty, there shall be raised annually during the terms hereinafter limited, the several Rates and Duties following,' in order to insert the words, 'the continuance of the Income Tax for seven years, and its extension to classes heretofore exempt from its operation, without any mitigation of the inequalities of its assessment, are alike unjust and impolitic,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Mr. EVELYN DENISON said, that it would have been more convenient for the House and more in accordance with usage, if the hon. Baronet had given notice of the

Amendment he intended to propose. But the House had no right to complain of the course pursued by the hon. Baronet; and if the great party opposite had not had time to make up their minds as to the course which they ought to pursue, and especially if it should have been important to them to make arrangements with any other parties in the House, then unquestionably the course now pursued by the hon. Baronet might be a very convenient course. He should always speak of the hon. Baronet with that sincere respect and admiration which he felt for his talents; but he must be permitted to say, that, much as he admired the hon. Baronet's eloquence in Parliament, his imaginary heroes in a recent, most pleasing, amusing, and instructive work, if they spoke hardly with equal eloquence, spoke at all events more conclusively on the topics which they took in hand—because, after listening attentively to the speech of the hon. Baronet, he was totally at a loss to divine what were his real views and wishes with regard to the income tax. Did he wish to continue the tax in an amended form, or did he wish to put an end to it altogether? If he thought by introducing his Amendment that it was desirable to continue the tax, then he (Mr. Denison) thought the proposal one to which the House might justly take exception. This was the first time, since they had embarked on the wide sea of the income tax, that they might fairly be said to have seen land—that there had been any reasonable prospect of coming to the end of the tax. But whether the tax was to be continued for any length of time, or only for a short period, it appeared to be the opinion of the hon. Baronet that the inequalities in its schedules ought to be amended. Now, how was the tax to be amended? Was it to be amended according to the scheme of the actuaries, or by the process of "rough justice" proposed by one of the Members of the Committee? Either plan he thought objectionable. If it was to be amended by the scheme of the actuaries, it would come to this—By beginning at the higher point of the scale with the payment of 7*d.* in the pound, when they descended to the lower points the payment would become so small and insignificant, dropping down to a penny or a farthing, that it would be utterly worthless. But if, on the other hand, the payment at the lower end of the scale was equal to 7*d.* in the pound, then, at the higher end, it would reach an amount that must be considered confiscation. There appeared to exist some misconception as to the duties which different classes owed for their preservation to the State. It was said, landed property is the most secure, it must pay the highest tax. But it would not be difficult to show that under some circumstances the fancied superiority of property in land gave way. Suppose that, either by external violence or by internal confusion, the owners of property and the persons engaged in trades or professions, should be ejected and discarded from their homes—in such case which would be the most valuable possession, the land which was alienated, or the skill and industry which were inherent, and would enable the possessor to gain his living wherever his lot might be cast. There was an old adage which seemed to point to this—

> "When house and land are gone and spent,
> Then learning is most excellent."

Did he say this to prove that a profession, speaking generally, is more certain than land? No, but to prove that they both depend on the protection of the law from day to day and from year to year, and both ought to pay out of their income year by year, and in proportion to their income to the support of the Government which is their defence and protection. He, however, had not heard any one propose to the House this plan of the actuaries. Then with respect to the operation of "rough justice," by which parties in Schedule D would be called upon to pay at a lower rate than under Schedules A and C—was it to be said that the Bank of England, that the great private banks of the country, amounting to five hundred or six hundred, that the joint-stock banks, that great wholesale trades, were to be classed under the character of precarious incomes? Nothing could be more unjust. If the House was to be driven into this examination of details, what was to be done with Schedule A? It had been demonstrated, in a manner which it was impossible to gainsay, that payments upon land amounted to 9*d.*, compared with other payments amounting to 7*d.* If the House should enter on a crusade of reducing all the inequalities, would the proprietors of land submit to the inequality in Schedule A? Would they be content to pay on the gross income, without receiving any allowance for repairs? If the object of the hon. Baronet was to redress injustice, he must pursue his course through the other schedules, as well as those which he had taken in hand. He confessed that he took a different view of the whole subject from that which appeared to have taken possession of the mind of the right hon. Baronet. Looking at the various compensations proposed in different parts of the Budget, he (Mr. Denison) was anxious to take an early opportunity of expressing his contentment with the whole scheme—his determination to regard it as a whole, and in that character to give it his most entire and cordial support. He should be sorry to quit the subject without saying a word expressive of the obligation which he felt to the right hon. Gentleman for placing such a Budget before the House. The presence of the right hon. Gentleman prevented him from saying much that, in his absence, he might have been inclined to say; he believed the country felt, as the House must have felt the other night, that a great mind had been engaged upon its affairs. The country knew how to appreciate the incalculable value of such rare intelligence, and such truthful honesty. The right hon. Gentleman would reap his reward in the success of this great scheme; for he did not doubt that the scheme would entirely succeed, to the great advantage of every portion of this entire empire, and to the lasting honour of the genius that had devised it, of the careful industry which had brought it to completion, and of the tongue which announced it with such commanding and convincing eloquence.

Mr. BOOKER said, he was ready to join in almost every expression which the hon. Gentleman who had just sat down had applied to the high character and talents of the Financial Minister, whose scheme was now under consideration; and he also desired to thank the right hon. Gentleman for his kind and courteous attention to some matters of commercial import which he had ventured to submit to him. But in the double capacity of the representative of an agricultural constituency, and of one who was personally engaged in the pursuits of commerce, he must say that he felt the greatest dismay at the conclusions to which the right hon. Gentleman had come, and the plans which he had submitted to the House. Speaking for his agricultural constituents, he must say that the right hon. Gentleman, in his luminous address the other night, completely made out their case, and proved with his proverbial cogency that, so far as the income tax was concerned, they were overtaxed to an enormous extent, and bore a very uneven share of the burdens of the State; for he showed that while trades and manufactures were subjected to a payment of 7*d.* in the pound, agriculture was taxed to the amount of 9*d.* in the pound. Had the right hon. Gentleman considered the difference between 9*d.* and 7*d.* in the pound? was he aware that it amounted to 28½ per cent? The agriculturists had, therefore, during the last ten years, been mulcted in the sum of no less than 6,000,000*l.* beyond their fair proportion, and by the proposal now before the House were to be subjected, during the next seven years, to a further unjust payment of nearly 3,000,000*l.* The right hon. Gentleman did not attempt to show that the parties engaged in agricultural pursuits had attempted any concealment or deceit. They were willing to pay their fair share of the burdens of the State. Though those advantages had been wrested from them to which they considered themselves justly entitled, they were ready to meet the competition which had been raised up against them; but they ought to be allowed a fair start in the race, and to enter into that competition on equal terms. Being largely engaged in manufacturing, mining, and commercial operations, he begged to say, on behalf of the members of those respectable classes, and of those whose casual incomes depended on their health and industry, that he was afraid the right hon. Gentleman was about to place them in a most improper position. He felt that he had a right to claim on their behalf what the right hon. Gentleman the late Chancellor of the Exchequer acknowledged to be their due in the financial scheme he had brought forward—that in any scheme for the continuance of the income tax there should be a marked difference made between precarious and certain income. The Chancellor of the Exchequer had shown that gross frauds had been committed under the present system. He wished to know what steps the Government intended to take to make the commercial and trading interests act fairly by each other, and by the tax, in future? Was there to be no guarantee against the committal of such frauds as those pointed out by the right hon. Gentleman the other night, when property which was stated by the owners to be worth 48,000*l.*, and for which a jury awarded 26,000*l.*, was put down by its proprietors for assessment to the income tax at only 9,000*l.*? If this tax was to be continued, it ought to be continued on fair and equitable principles, and with some more efficient safeguards against fraud. To the continuance of the tax as now proposed, he could not give his consent. He believed the object of the hon. Baronet (Sir Lytton Bulwer) was to get rid of it as soon as possible, but he wished during its continuance to have it exacted in a fair and equitable manner. He wished also to call the attention of the House to the case of occupiers of land, whom it was his fortune and his pride to represent in that House. The exactions upon the owners and occupiers of land during the last ten years had been for the most part sheer robbery. To say that during that period there had been any connexion between the rents and profits of the occupier and tiller of the soil was perfectly absurd. Thanks to a kind Providence, and not to a human legislation, they were now gradually recovering themselves, and, as he had said, were perfectly willing to meet the competition which stared them in the face; but they were surely entitled to expect fair play at the hands of a domestic Parliament. With regard to the other measures included in the Budget, he could not avoid alluding to one which, as a representative of the agricultural interest, he regarded with the utmost terror—namely, the proposed tax on successions. This tax on successions, on constant successions, would tend more to the ultimate dismemberment of the Empire than any system ever devised by any man, whatever might be the amount of his ingenuity. It would surely—slowly as it might be—but it would surely break up the great landed aristocracy of this kingdom. He had no doubt that might be very agreeable to some hon. Gentlemen opposite; but he would tell them that the landed proprietors would not succumb—they would not, as was said in one of the leading articles of one of that morning's journals, "yield themselves as sheep to the shearer," without at least raising their voices against the attack now made on their property. He considered the Budget of the right hon. Gentleman so ill-advised as to be deserving of every opposition.

Mr. HUME said, he was anxious to call the attention of the House to this subject, because he considered that the Motion before them was one of vast importance to the country in whatever way hon. Members might view it, whether they opposed or supported it—indeed it appeared to him that the character of the House as a representative Assembly would be mainly tested by the course pursued on the present occasion. He was one of those who thought that the question of taxation had hitherto not been fully considered in the manner required by the best interests of the country. The present system of taxation was based on no principle. There were not two taxes levied on the same principle, and hence arose the great difficulty of effecting useful changes. He had not the least doubt that the right hon. Gentleman opposite (Mr. Disraeli) last year felt the greatest difficulty in reconciling contending interests; and the present Chancellor of the Exchequer, in going carefully through the various heads of taxation, must have met with difficulties at every step. The best way to effect an improvement in the midst of these difficulties was to make a compromise, and to endeavour to balance that tax which would be injurious whilst it continued, with the advantages proposed by the change. He presumed, as was said by the right hon. Gentleman opposite with respect to his own Budget last year, that the present Budget was to be considered as a whole, and that the Chancellor of the Exchequer wished the House to consider its advantages and disadvantages, for the purpose of seeing whether the advantages were not greatly predominant. With respect to the inequalities of the tax, he went much further than the hon. Baronet opposite (Sir E. Bulwer Lytton), and if the hon. Baronet had looked at the evidence given before the Committee, he would have found that it pointed out many more defects than the hon. Baronet appeared to be aware of. He (Mr. Hume) differed from the present Government not less than from the last, on the subject of direct taxation: they wished to abolish direct taxation, while he (Mr. Hume) wished to see it continued and extended further. He did not propose that the whole of our taxation should be direct taxation, as was assumed by a writer in the present number of the *Edinburgh Review*, who had evidently never looked into the evidence of the Income Tax Committee, or seen the draught report which he (Mr. Hume) submitted to them. One of the great complaints against the income tax was the frauds perpetrated under the present system; but what was the cause of those frauds? Why, the imperfect administration of the law, and its exemptions. All other taxes were collected by persons responsible to the Government; but the income tax was assessed by men having no responsibility, and so long as Commissioners were allowed to arrange districts so as to suit their own parties, frauds must be expected. The hon. Member for Maldon said that nobody had proposed the actuaries' plan. Now, he (Mr. Hume) would be fully prepared to propound that plan if he could meet the support of either side of the House. Hon. Gentlemen opposite did not think fit to adopt the plan when they were in power, and the complaint of the hon. Baronet opposite was as applicable to them as to the present Government. Now, what was the actuaries' plan? "First, that each person should be taxed for the support of Government in proportion to his ability; and as that ability is measured more accurately by the value of his property, under the protection of the State, than by any other standard, the tax, to be equitable, should every year be levied on the value of the property, labour and skill being the property of large classes of the country; and that each person having an income exceeding 50*l.* a year from industrial property, under Schedules B, D, and E, and all realised property, under Schedules A and C, should contribute and pay the tax in proportion to the value of their property respectively. Next, that the existing assessment of the income tax (under the Act of 5 & 6 of *Vict.* c. 35) should be so modified as to make it a tax on property, including, under that term, the value of all industrial incomes. And that all the property, real, personal, and industrial, in the United Kingdom, should be taxed at one uniform rate on its value." If he could collect the tax he would go down to a still lower amount than 50*l.*, but for the present he would draw the line there, because he believed that 50*l.* a year was the smallest sum by which a family could be maintained in anything like comfort; was there, therefore, anything ridiculous in his proposing that all incomes above 50*l.* a year should be assessed at the same rate? In order to make the tax fair, he thought a certain portion of the incomes of the higher and middle classes should be exempted equally with those of the labouring portion of the community, and that every man ought to be taxed according to the value of his property. But, it might be asked, how was the property to be valued? Could any standard be found more fair—any means of estimating the tax more fitting—than the amount for which the property would sell in the market—in other words, its money worth? If, then, property could be fairly valued, would not the plan he suggested be much more simple than the present complicated system? His recommendation was that a property tax should be established in lieu of the present income tax, and that all property, whether real, or personal, or industrial, should be taxed at one uniform rate. Such a tax would be permanent, stable, and equitable. Holding these views, he would have been one of the first to oppose the proposal of the Chancellor of the Exchequer with regard to the income tax, if he had not found that the other measures brought forward by the right hon. Gentleman were fully equivalent to an improved direct tax. Disapproving, as he entirely did, of the present income tax, and disapproving likewise of the views of the Government with respect to the expediency of doing away with direct taxation altogether, he was nevertheless disposed to give the Chancellor of the Exchequer every assistance in his power, in consideration of the many important and beneficial changes he was about to effect in various branches of the national system of taxation. He could not for one moment hesitate in making up his mind—while willing to admit, with the hon. Baronet opposite, that the income tax was unjust, imperfect, and inconvenient—to support the financial scheme of the Government as a whole. He wished an equal tax on property to become a permanent part of the taxation of the country, because he was satisfied that Sir Robert Peel's system of free trade could not be carried out fully and fairly, and that they could not reduce the heavy indirect taxes unless at least 10,000,000*l.*, or one-fifth of the general taxation of the country, was raised by direct taxation. Such a tax would enable Parliament to abolish all those taxes which now pressed so heavily on the industry of the country. For the last 100 years industry had paid more than its fair share of taxation, and at the present moment land paid only a small portion of the direct taxation of the country. He admitted there were many heavy local burdens on land; but those burdens pressed with equal severity on manufactures, and might be said, indeed, to be common to all. The Chancellor of the Exchequer admitted the inequality of the income tax—that "colossal engine," as he termed it—but he said, "Let us continue it for some time longer, but don't let us destroy it, for it may be of use to us at some future period." He (Mr. Hume) thought it would be a very unwise thing to lay the income tax aside at the end of a certain number of years. He would rather reform it, and maintain it in a condition to be readily available in case of need; and, meanwhile, it was the duty of the House to remove the defects of this powerful machine, and to make it what it should be—just and equitable. Having thus stated his objections to the income tax in its present form—recollecting that the right hon. Gentleman who held the office of Chancellor of the Exchequer in the last Ministry thought he could not give greater relief than seven farthings to industrial incomes, as compared with incomes derived from realised property—and agreeing with the hon. Baronet on the other side in much he had stated in opposition to the proposal of the Government, he was still disposed and desirous to give his support to the right hon. Gentleman below him, in order that he might be enabled to carry through those other important measures of which he had given notice. Moreover, if the present Government was not able or willing to carry out his views with respect to direct taxation, he saw no prospect of any Government that could. He complained that the revenue of the country was too large. From 1831 to 1841 it was 46,000,000*l.*, but since the latter period it had been 52,000,000*l.*, and it was increasing every year. He disapproved of our heavy taxation and heavy expenditure, and thought the House ought to be engaged in endeavouring to reduce that taxation and lessen that expenditure, instead of wasting its time in promoting extravagance and yielding to childish fears of foreign aggression. Still, he was prepared to give the Government every assistance in his power, because he thought the Budget, as a whole, ought to receive the approval of the House, as a scheme well calculated to confer great benefits upon every class in the community. So far from agreeing with the last speaker in his remarks upon the legacy tax, he thought that was by far the best part of the Ministerial scheme, and, undoubtedly, he should give it his hearty support. It placed real and personal property on the same footing, and, so far from being an act of robbery, as stated by the hon. Member, he (Mr. Hume) looked upon it only as one of simple justice. He held in his hand a statement which showed that since the legacy duty was limited to personal property, no less a sum than 85,000,000*l.* had been raised from personal property alone, real property having been entirely exempted from the operations of the tax. The hon. Member talked of injustice; but he would ask him, was it just that a widow succeeding to 100*l.* or 200*l.* of personal property should be compelled to pay legacy duty, while the property of a deceased nobleman or gentleman, worth probably 200,000*l.* or 300,000*l.*, should not be required to pay one farthing? They were now, however, to receive from the Government something like justice, and he would tell the Chancellor of the Exchequer that that part of his financial scheme which related to the legacy tax had more charms for him than any of the other measures he had brought forward. He was sure the country would receive it, not only with favour, but with delight. The communications he had received spoke of it in the most favourable manner, and his correspondents were all, without exception, anxious that the Budget should be carried as it stood, in the hope that the Government would soon see the necessity and advantage of reducing our overgrown expenditure, and affording additional and permanent relief to the industry of the country. He concurred in the Resolution to extend the income tax to Ireland, though doubtless it would not prove very agreeable to some hon. Gentlemen from that country. He claimed equal rights, equal justice to Ireland; and he thought that no Irishman who was desirous to see Ireland enjoy all the benefits which England possessed, would refuse to accept their share of the burden. He wished to see Ireland brought into the same condition as England, enjoying the same blessings and bearing the same burdens, and, therefore, he approved of the proposition of the Chancellor of the Exchequer. The Budget of the right hon. Gentleman embraced various recommendations with respect to the assessed taxes, which he was sure would be productive of good effects. He must say, however, that he should like to see an end put to the assessed taxes altogether; and if the House would only pass a property tax of 3 per cent on all descriptions of property whatever, he had not the least hesitation in saying that the assessed taxes might be completely repealed. He hoped the day was not far distant when that would be effected. The late Sir Robert Peel was fully aware of the great inconvenience arising from the present complicated system, and, had he lived, would doubtless have improved and simplified it, though he was of opinion that the income tax should not be established as a permanent tax, but merely used as a temporary convenience. The hon. Baronet opposite seemed to attach little importance to the proposed reduction of the taxes on horses, carriages, and servants. He (Mr. Hume) took a very different view of the subject. He looked upon these taxes as taxes affecting, not the wealthy classes only, but the labouring classes also; and he believed that great benefit would accrue from their reduction to the community at large. Again, he could not agree with the hon. Baronet that the repeal of the tax on soap would be productive of little good, or that the amount would not be made up by increase of consumption. Of 26,000,000*l.* of taxes repealed within a given period, only 10,000,000*l.* were entirely lost, the rest being immediately replaced by increase of trade. He was satisfied, therefore, that the proposed reductions would not cause any loss to the country, but, that, on the contrary, the revenue would remain at its present amount; or, rather, there would be an increase. If the Budget contained no other proposal than the repeal of the soap tax, it would appear to him of so much importance to the health and comfort of the community, to the cleanliness and physical improvement of the people, that he would unhesitatingly give it his most cordial support. But the repeal of the tax on soap would do more than improve the physical condition of the people—it would encourage the manufacture of the article in this country, and enable the home manufacturers to supply all the colonies, which had hitherto been dependent on other countries. The repeal of the soap tax would, therefore, be a great boon to the commercial classes as well as to the mass of the people. He also highly approved of that part of the Budget which related to stamp receipts; but he would not allude to it, or to the various alterations which were proposed to be made in the tariff, further than to say that he felt obliged to the Chancellor of the Exchequer for the wise and prudent measures he recommended with respect to protected articles. He, therefore, approved of the Budget as a whole, although modifications or improvements might be desirable as to some of the details. He well remembered the late Sir Robert Peel representing him in that House, in 1840, as a person who desired imposibilities, because he had pointed out 1,150 articles taxed on entry at the Custom-house, and had said, that, in his opinion, 1,000 of them might be relieved from duty without any difficulty. The whole House cheered the right hon. Baronet when he made that allusion to him (Mr. Hume); but when the right hon. Baronet commenced his free-trade career, his very first step was to strike 480 articles from the tariff; and the House was aware how fully the suggestion he (Mr. Hume) had made had since been carried into effect. Why, he believed, that when the measures now proposed by Her Majesty's Government were adopted, nearly 1,000 articles would have been relieved from duty, and he was satisfied that they might strike all articles, with the exception of about fifty, from the tariff without any injury to the revenue. He could recollect the time when the tariff was a cumbrous volume; now, it was a small duodecimo; but he wished to see it comprised upon a single sheet. The Chancellor of the Exchequer had admitted the inequalities of the existing system of taxation; and he (Mr. Hume) thought that all expenses for the repairs of houses and estates ought to be deducted before the incomes derived from such estates were taxed. He might observe, that he saw no provision made by the Chancellor of the Exchequer for the assessment of the property of deans and chapters and corporations, who never died. Now, they must die; or, at least, they must pay the same charge which was imposed on the holders of property of a similar description. Balancing the advantages and disadvantages of the scheme proposed by the Chancellor of the Exchequer, he felt it his duty to give the measure his entire support.

Colonel SIBTHORP had heard with great satisfaction the able and lucid speech of the hon. Member for Hertford (Sir E. Bulwer Lytton), with which he entirely agreed. He should, therefore, oppose the income tax at every stage, and at every period that it was brought forward. He continued to hold the same unchanged opinions with regard to it. He looked upon it as a measure which was always adopted by all Chancellors of the Exchequer, in order to relieve themselves from difficulties, and to give them an opportunity of playing and dallying with the finances of the country. It might be a very good tax in time of war, but it was unwarrantable and oppressive to impose it in the time of peace. The right hon. Gentleman said it was a very good tax in case hostilities should happen to break out. How had he come to think of that? Had he smelt a rat, like the noble Lord the Member for London (Lord J. Russell), who had proposed to raise the militia? Perhaps there might be more than apprehensions of hostilities. He wished such a thing would take place. He did not doubt the loyalty of the country, and he hoped it would be his good fortune to be with the regiment he had the honour to command, upon the coast when an attempt of invasion was made. They would not disgrace themselves; but he had no doubt they would be able to give a good account of those who might dare to attack them. He had read in a paper a comparison between the income tax and dissolving views. It was not to continue as it had hitherto been. The present Chancellor of the Exchequer would not do as other Chancellors of the Exchequer had done. He had a mind of his own. But did he suppose that he was to be Chancellor of the Exchequer for the next seven years? He would excuse him for saying he hoped not for the next seven days. There was a letter in the newspapers from the Chancellor of the Exchequer to a poor clerk telling him how much he would gain—that he would have his tea, his soap, and so on, cheaper. Yes, cheap and nasty too. They would have an inundation of foreign soap. It was oppressive to extend the income tax to persons with 100*l.* a year, who might have a family and other advantages, and he hoped the proposition would be met in a proper manner by strenuous resistance. He would not trouble the Committee further, as he had only risen to say that the income tax had, and ever would have, his direct opposition.

Mr. FAGAN said, he rose, reluctantly and with regret, to oppose the Resolution of the Chancellor of the Exchequer. He freely admitted that the superstructure of the financial scheme of the right hon. Gentleman was grand—statesmanlike; but the keystone of the arch on which it was erected was the inquisitorial income tax to be extended to Ireland—not to Ireland prosperous and prospering, but to Ireland downtrodden and struggling from the sad effects of a five years' famine. He felt it, therefore, a duty to his constituents and to the country of which he was one of the representatives, to offer the proposition the most strenuous opposition. It was held out as an inducement to Irish Members to vote for an income tax for their country that the Consolidated Annuities should be abandoned. Now, he solemnly and earnestly protested against bringing these annuities into the discussion at all. He recollected some months ago forming one of a very distinguished deputation to the Chancellor of the Exchequer on the subject of these annuities. At its head was Lord Monteagle. There was no part of the remarkable and lucid statement then made by that experienced nobleman, in which he more fully concurred than where he called upon the Chancellor of the Exchequer to act, as regarded the Consolidated Annuities, on the strict principles of justice, without any reference to the Budget, with which it had nothing whatever to do. The claim made was founded on simple justice, and nothing could be more unfair than to put forward the remission of the annuities as a compensation for the proposed income tax. It was the will of Providence to visit, in 1846–47, this United Kingdom with an unprecedented and wide-spread famine; and he was always of opinion that the advances made by Government to meet the exigency of the crisis should have been provided as a grant from the Imperial resources. But, this not being the view of Parliament, he was willing that Ireland should repay that portion of the advances for which she received value—he meant the money expended under Sir John Burgoyne's Act. But the large sum now due, under the labour rate, he considered an unjust claim, which ought never, and would never, be paid. He recollected perfectly well the circumstances attending the passing of the Labour Rate Act. It was passed at the end of the Session of 1846, in August. It was passed without the knowledge of the Irish people, and without the sanction and concurrence of their representatives, who were then absent from their places. It was solely the act of the Imperial Government and of the Imperial Legislature. The object was good and benevolent. It was, in the first instance, to preserve human life, and in the next, to take advantage of the famine to carry on works of permanent utility and advantage. These were the objects of that Act, as described by the noble Lord (Lord John Russell), and by the then Chief Secretary for Ireland (Mr. Labouchere). Avoiding the defects in Sir Robert Peel's Labour Act of 1845, it was to be more extensive in its operation, and more protective to human life. But it was a failure — admitted to be so by its very framers and the universal world. The famine was too much for it to grapple with. The very test of destitution which it imposed on a starving people was the cause of the death of thousands—hundred died coming to the relief works—hundreds more died at the works and returning to their starving families—others were sent into eternity from the neglect of the pay clerks to pay the wages that were earned; and, as a whole, instead of preserving, its tests and its inadequacy tended to destroy, human life. The works done were worse than useless—they were absolutely injurious. Such, then, being the result of the Labour Rate Act, a Committee of the House of Lords, composed of noblemen not influenced by the breath of popularity—not carried away by those motives which often actuate the representatives of the people—but guided by the knowledge acquired by the examination of witnesses at both sides, who were thoroughly conversant with the Act, its execution, and its result—came to the calm and solemn resolution of recommending to Parliament that the Imperial demand for the labour rate should be abandoned. But that was not all. It was clear that the Government itself was not disposed to levy this portion of the Consolidated Annuities. It had ample power and facility of doing so. It could impound the rates in the hands of the treasurer of every union owing these annuities. It had the first claim for payment out of the rates; yet, during the last two years, after making allowances for remissions under the Treasury Minutes, all that was collected, out of 394,515*l.*, which was due, was 121,702*l.*, clearly indicating that it was never the intention of Government rigorously to enforce the payment of the labour rate annuity. But, admitting, for the sake of argument, that the whole of these annuities should be paid, is it, after all, just that the portions of Ireland which does not owe these annuities should have to pay them? Is such a transference equitable? Is the imposition of an inquisitorial income tax on the industrious but struggling tradesman and shopkeeper in the towns and cities of Ireland an honest equivalent for these annuities, which, if justice were done, should never have been demanded? Let him state to the House what was the annuity now payable for the labour rate by some of the great towns in Ireland:—Cork paid 183*l.* 3*s.* 4*d.*; Limerick, 265*l.* 14*s.* 2*d.*; Waterford, 142*l.* 3*s.* 6*d.*; Drogheda, 17*l.* 13*s.* 5*d.*; Kilkenny, 40*l.* 9*s.* 6*d.*; Galway, 834*l.* 2*s.* 1*d.* Blot out these annuities, and substitute the income tax, and these towns will have to pay thousands instead of their present paltry contribution. That the labour rate portion of these annuities should be given up there can be no dispute, and no one will contend that the legacy duty on successions to real property will not be an ample equivalent for nearly the whole of the annuities. He would, therefore, protest against this gigantic rate in aid to be levied off his constituents under pretence of relieving the distressed districts of the west. He recollected when the first rate in aid was proposed, how Ulster rose as one man, and declared that it would give no aid to its western neighbour. He voted then for the rate in aid, because he believed that it was the duty of the richer districts to assist the poverty and distress of the south and west. But the present was a widely different proposition. It was to put an inquisitorial impost upon Ireland, and in order to disguise the bitter draught, it was said to be put upon her as an equivalent for the Consolidated Annuities. Out with the empty pretence! it is too palpable to deceive the Irish people. Leaving that part of the question, he would come to another and important consideration. The Chancellor of the Exchequer called the income tax a colossal engine of finance for temporary purposes, to be used in great emergencies, such as war, or as an instrument by which to carry out and perfect the great commercial policy of that country. Well, it was impossible to deny that it has eminently fulfilled its functions in that respect since 1842. It has set free "the springs of industry," to use Sir Robert Peel's favourite phrase; it has made the raw materials of manufactures free imports, and it has cheapened the necessaries of life to the working classes. Mark how marvellously the exports of the manufactures of that country had increased since the income tax was reinforced, as an engine of finance. In 1842, these exports were in value about 47,000,000*l.* sterling; in 1852 they reached to 78,000,000*l.* sterling. Can any one over-estimate the enormous employment to the industrious classes in England which this has produced? No wonder for the Manchester school to be in love with the income tax. But in this respect what service has it been to Ireland? They had scarcely any manufactures, and the export of their chief fabric (linen) had rather diminished than increased, at all events since 1846. It may be seen by a return placed last Saturday on the table of the House, that the remissions of taxes since the imposition of the income tax, in 1842, come to 12,616,953*l.* sterling. Now, let them examine how much benefit Ireland has derived from these enormous reductions. Firstly, the reductions on the raw materials of manufactures, and on meat, cattle, &c., are as follow:—Cotton wool, 682,042*l.*; other raw materials, 1,159,541*l.*; duties on exports, 225,216*l.*; wool, 97,140*l.* Total, 2,163,939*l.*, of which Ireland received no benefit, except as consumers of these manufactures, in the same manner as Germany, France, or the United States. Secondly, there are reductions in excise and assessed taxes, namely, window tax, 1,278,800*l.*; glass, 669,000*l.*; bricks, 456,000*l.*; and on butter, 205,437*l.*; making, together, 2,609,237*l.* sterling, which exclusively benefited England. And lastly, we have the reductions in which Ireland benefited, in proportion to her consumption, as follows:—Coffee, 436,448*l.*; sugar, 3,763,925*l.*; timber, 1,485,079*l.*; stamps, 520,000*l.*; total, 6,205,452*l.* He calculated that about 400,000*l.* sterling a year was the amount which Ireland saved by these reductions. If, then, 12,000,000*l.* of reductions were made, by means of an income tax, yielding 5,500,000*l.* a year, what income tax should be paid for 400,000*l.* of saving by these reductions? The rule of proportion gives 180,000*l.* as the fair amount of the income tax on Ireland for the benefits she has derived from the imposition of this colossal engine of finance; and the increase in the stamp duties, up to 1850, with one year's increase in the duty on whisky, was a full equivalent for that sum. Well, it was now proposed to reduce duties on tea and the taxes on licences, which reductions, at the end of three years, will amount together to about 422,000*l.* The income tax will be increased to over 6,000,000*l.* a year; the whole reductions will reach 18,000,000*l.* Therefore, by the same rule of proportion, 120,000*l.* instead of 460,000*l.*, ought to be Ireland's contribution for the benefits she will derive, through the instrumentality of an income tax; and surely the proposed duty on whisky, which comes to 128,000*l.* a year, is much more than an equivalent for such income tax. He had shown, then, that for the benefits conferred on Ireland, by the continuance in times of peace of an income tax, she already pays her quota, without the necessity of extending that tax to Ireland. But he proposed to go further, and show that, by the solemn treaty of the Union, Ireland was not bound to contribute to the general expenditure beyond her relative ability with the ability of England, to be ascertained by certain fixed and unalterable *criteria*. That was the principle on which the financial portion of the Act of Union was based. Taking these *criteria* as the basis of the calculations, it was ascertained and settled, at the Union, that Ireland's contribution to the general expenditure should be two-seventeenths; that, in case the relative ability of both countries should alter, there should be a revision of the proportion to be contributed in periods of twenty years, unless, in the meantime, the debts of the two countries, which, at the Union, were in the ratio of 1 to 16, should approximate to 1 to 7½, in which case the two Exchequers should be consolidated, and thenceforward there should be a common taxation. Now, after the Union, the joint expenditure enormously increased, and it was soon discovered that two-seventeenths was far too large a proportion for Ireland to pay. The war had given an enormous impulse to the manufactures of England, and she was enabled to put forth her energies to meet the crisis without the necessity of much borrowing. The war, on the contrary, had an injurious tendency in respect to the industry of Ireland, and her resources rather diminished than increased. Still she was compelled to meet her stipulated quota of the expenditure. For the fifteen years before the Union, she had expended but 42,000,000*l.*, while England expended 465,000,000*l.*, or as 1 to 11½. For the fifteen years subsequent to the Union, she expended 148,000,000*l.* against 1,000,000,000*l.* spent by England, or 1 to 7½. To meet this enormous claim, which her revenue could not meet, she had to borrow until her debt increased from 28,000,000*l.*, its amount at the Union, to 112,000,000*l.*, in 1815; while the debt of England, which, in 1801, was 450,000,000*l.*, only amounted to 735,000,000*l.* in 1815. Thus one increased four times, while the other increased but one-half. This proved beyond question that the principle of the Union, namely, that each country should contribute according to its ability, was violated from the very commencement of that Act. The consequence was, that before the period of revision came round, the two debts had approximated to the relative proportion of 1 to 7½, and the Exchequers were consolidated in 1816. This never could have occurred had Ireland only contributed according to the solemn contract she had entered into. Her relative ability to contribute would be periodically revised, and they would now be in a position, under the force of the Union Act, to ascertain and determine the fair proportion she should be called upon to pay. Now, the consolidation of the Exchequers arose from a distinct violation of the treaty made at the Union. [The hon. Member quoted the speech of Mr. Vesey Fitzgerald in proposing the consolidation of the Exchequer, and of Lord Castlereagh in introducing the Union Bill in the Irish House of Commons, to show tha correctness of these statements.] Mr. Pitt, in introducing the question of the Union to the English Parliament, asks—"What security can you give to Ireland for the performance of the conditions of the Union? If I were asked what security were necessary, without hesitation I should answer—none. The liberality, the justice, the honour of the people of Great Britain have never been found deficient. I would desire them to look at our conduct towards those nations who have already incorporated with us—to Wales and to Scotland—that will convince them that there is the most perfect safety even if there were no stipulation." Well, has Ireland reason to regret that she had no other security but the honour and the justice of England? Where are the abatements promised by Lord Castlereagh, if she could not bear a common taxation? Why, since 1815, while 51,000,000*l.* of taxes have been taken off the shoulders of England, Ireland has received a relaxation amounting to only 2,900,000*l.* sterling up to 1846. He had now established, beyond question, that both before and after the consolidation of the Exchequers, Ireland ought not to be forced to pay more than her relative ability to the general taxation—that ability to be ascertained according to the *criteria* set forth in the 7th Article of the Union—namely, her relative income, and her relative consumption of beer, spirits, sugar, wine, tea, and tobacco. Now, the ratio of Ireland's consumption to that of England's in these articles, is as follows:—Beer, 1 to 25; spirits, 1 to 3; sugar, 1 to 15; wine, 1 to 12; tea, 1 to 9; tobacco, 1 to 6. This gives an average consumption of 1 to 11½. Well, the income of England is ascertained to be 250,000,000*l.* The income of Ireland is about 20,000,000*l.* or 12½ to 1. The compound ratio, then, of consumption and of income is 12 to 1, being England's ability relatively to Ireland to contribute to the general expenditure, which amounts to 52,000,000*l.* a year. Ireland pays into the Exchequer, exclusive of unacknowledged taxes, 4,000,000*l.* a year, being one-twelfth of 48,000,000*l.*, England's contribution. Her unacknowledged taxation—that is, the duties paid in England on tea, sugar, wine, tobacco, coffee, consumed in Ireland, is computed to be nearly 1,000,000*l.* sterling a year. Conesequently Ireland now pays more than she ought, under the terms of her treaty with England, independently of her local taxation, which, including county cess, poor-rates, and municipal taxes, amount to 2,000,000*l.* a year, or 5*s.* in the pound on the saleable property in Ireland; while England's local taxation is but 12,000,000*l.* on 100,000,000*l.* saleable property, being less than 2*s.* 4*d.* in the pound. But it is not altogether on the ground of this disproportionate taxation that he resisted the imposition of the income tax on Ireland. He did so too because of its inquisitorial character—because of its oppressive and tyrannical action on the struggling merchant and tradesman. He did it because the attempt to collect it will evoke all bad passions of party in that country. The Orange collector will expose the circumstances of his Roman Catholic neighbour. The Roman Catholic taxgatherer will retaliate on the Orange party, and thus, in the very worst form, the bitterest feelings will be engendered. Again, Ireland is not in a state to bear this burden; she has not yet emerged from her difficulties. The present high price of her agricultural produce is no sufficient proof of her prosperous condition. It is the prosperity of England which consumes her produce, and of the Continent that keeps at home the produce formerly sent to England that gives these increased prices. But so long as the emigration continues, and that the potato crop is year after year failing, so long will Ireland's difficulties continue; that then was not the moment to impose this odious tax on that kingdom. It was unjust to take advantage of the popularity of the Budget in England to force the income tax on Ireland. He protested again on the remission of the Consolidated Annuities being brought at all into the discussion as a pretence for this grievous infliction. He called upon the House to pause before it adopted so unwise and unjust a course. Her Majesty, in her gracious Speech at the commencement of the Session, had recommended Parliament to legislate in a generous spirit for Ireland. He did not know whether the present Government held itself responsible for that recommendation. He warned the House not to repudiate it, but acting on the gracious recommendation to do justice to his country by rejecting the proposal of the Chancellor of the Exchequer.

MR. BUCK was opposed to the Budget as unjust in principle, and as pressing with unequal severity on a class which had already suffered much from recent legislation—those engaged in the cultivation of the soil. When Parliament announced its determination, in the first instance, to carry out free-trade doctrines, he never could have imagined that the application of those doctrines would be so partial and one-sided—that whilst large classes were relieved from heavy burdens, it was meant to continue the burdens which pressed upon another and most important class, whilst, at the same time, they diminished their ability to endure them. Was it not hard that the farmers of England should be obliged to pay from 50 to 100 per cent tax on one article, the produce of their soil, whilst the local burdens were suffered to remain, and whilst the prices of their produce were greatly depreciated? And, as if all this was not enough, they were now asked to impose another incubus on the land, by sanctioning a legacy duty. The proposal for the continuance of the income tax would be received with regret and disfavour by the nation—it was oppressive in its amount, and most inquisitorial in its nature—the sanction of Parliament to it had been obtained under false pretences—it was asked for the specific purpose of doing away with those burdens and taxes which peculiarly afflicted the country, and upon the assurance that when the occasion had passed away the tax would cease; but, instead of its ceasing, they now again asked for a fresh renewal of the term. The Chancellor of the Exchequer and his friends boasted of the prosperity of the country; he wished he could find any cause for exultation in the condition of the landed interest: the farmers of England would not join in the expression of triumph. What were the signals of agricultural prosperity? A vastly increased and increasing emigration was one of the most prominent. And let it be remembered that it was, so far as the farming class was concerned, an emigration not of choice, but of necessity. To those connected with the land it was especially painful to quit the home of their fathers, and seek that subsistence in a foreign land which was denied to them in their own. It was now the spring of 1853, and the farmers of England had been paying ever since 1846 out of their previously acquired capital—he believed, indeed, there was scarcely a farmer in England who had stocked his farm in 1846 who might not be said at the present moment to be driven out of his holding. Notwithstanding this state of things, the legacy duty was sought to be imposed on that important class the freeholders of the country. So far as the legacy duty was concerned, the landed interest would have no objection to bear it, if in other respects they were put upon an equality with the rest of the community—they sought for no exemptions, but only asked for fair play; there were thousands of industrious men who, having acquired an honourable independence, had invested it in land; and what must their feelings be on seeing their neighbours absolved from the operation of a tax which acted on them and their families in a species of confiscation? The legacy duty would press with special severity upon freeholders; and, upon the whole, he was of opinion that the Budget would increase the discontent which already existed, and give still greater cause of complaint to those engaged in the cultivation of the soil. Believing it to be unjust and impolitic, he would feel bound to give his most decided opposition to any portion of the Budget.

MR. BLACKETT tendered the thanks of his constituents to the Chancellor of the Exchequer for his Budget; at the same time he was bound to add, that, while they accepted it as a whole, there were portions of it which they would have been glad to see modified. In the first place, as members of a mercantile community, they regretted the omission of the timber duties from the proposed list of remissions of taxation, the present arrangements in regard to timber being opposed to every principle of commercial science, inasmuch as while the manufactured article, that was the ship, was exempt from duty, the raw material of which it was made was taxed. His constituents also regretted the postponement of the period when they might look forward to an abatement of the income tax, and especially for some alleviation of the severity with which that tax pressed upon precarious incomes. They could have wished that there had been in the right hon. Gentleman's speech some indication of amendments in the machinery for collecting the income tax—and they objected to the extension of the receipt tax on receipts to sums as small as 2*l.* But though they entertained these objections, they accepted the Budget as a whole; and he yet hoped that the good feeling with which it had been received, would induce the Chancellor of the Exchequer to consider whether he could not make some alteration in regard to the points to which he had called attention. For his own part he thought it was to be regretted that the extension of the income tax to incomes of 100*l.* was not to be accompanied by an extension of the franchise to the same class of persons, believing, as he did, that they were most admirably qualified by intelligence and capacity—possibly, to a degree superior to those immediately above them—for the exercise of political rights. A distinctive feature in this Budget was the recognition by the speech with which it was introduced of the inequality with which the income tax pressed on fixed and precarious incomes. The right hon. Gentleman admitted distinctly that if the present income tax was not improvable it was not endurable in its present shape, and that as it could not be improved it must be abolished, the only question being one of time. That was a just concession, for which he begged to tender his thanks. There were several most objectionable features connected with the machinery of the tax, especially the temptation to arbitrary assessment on the part of the collectors, and to fraudulent evasion on the part of the taxpayer. With commercial men, the hardship of being obliged to show their books and expose their affairs in order to escape an arbitrary assessment, was greatly felt; and with professional men, such as solicitors and medical men, the case was still worse—for they would prefer submitting to a gross injustice to what they deemed a breach of professional honour in exposing the affairs of their clients. He thought, therefore, the Chancellor of the Exchequer had taken the only practical way of dealing with the inequality of the tax, by preparing for its prospective abolition. Taking the Budget as a whole, he had no hesitation in saying that it was beneficial and satisfactory, especially to the town constituencies, and with regard to his own constituents, he believed they were almost prepared to say, "The Budget, the whole Budget, and nothing but the Budget."

Mr. R. KNIGHTLEY thought it was rather hard that they should be called upon now to legislate for posterity, more especially as the noble Lord the Member for London had announced a new Reform Bill—a measure that, like the mirage of the desert, danced before their eyes, a fitful and an unsubstantial vision—which seemed to recede as they advanced, and to be most distant when deemed nearest. Taking the Budget as a great whole, he arrived at an exactly opposite conclusion from that which the hon. Gentleman opposite had announced; and he was firmly of opinion that land had already contributed far more than its fair share towards the burdens of the State.

Mr. W. WILLIAMS considered the propositions of the right hon. Gentleman the Chancellor of the Exchequer to be the most statesmanlike scheme of finance he had heard laid before the House of Commons. In his opinion the extension of the income tax to Ireland was only a measure of justice. The hon. Member for Cork (Mr. Fagan) had protested against that extension, on the ground that Ireland had already contributed more than her fair proportion to the general taxation of the Empire. Now he (Mr. Williams) believed himself able to prove that for every shilling of taxes which Ireland paid, it received two shillings from the taxation of the United Kingdom. The taxes paid by Ireland were about 1–13th of the taxation of Great Britain. The amount of the whole taxation of the United Kingdom, according to the last official account he had seen, was 56,000,000*l.*, and of that the amount paid by Ireland was 4,400,000*l.*, the expense of collecting which was not less than 12½ per cent, the net amount of the taxes being 3,800,000*l.*, and very nearly all that sum was expended in Ireland. The amount of expenditure of the United Kingdom, independent of the debt, was about 28,000,000*l.* for the Army, Navy, Ordnance, Civil Service, and other departments of the State. Would any one believe that Irishmen only got 1–7th part of the expenditure? He would venture to say they got not 1–7th but at least from 1–4th. Returns presented to the House showed that England, too, paid 13,000,000*l.* of taxes, from which Ireland was entirely exempt. The hon. Member for Cork had also said that it was only right to take off the four millions and half Consolidated Annuities, because they had been lent at a time of national distress. Now, when the hon. Gentleman spoke of the distress that Ireland suffered during the famine, he would remind him that in some parts of Great Britain the distress was quite as great. In the Western parts of Scotland it was as bad as in any part of Ireland. In some parts of England it was very bad, and in some parts of Wales it was quite as bad. But how did they meet that distress in Scotland? They got contributions as well as they could; in Wales the rates levied were found sufficient to relieve the people, and by the aid of contributions collected, corn was brought from other parts of the world. But what was done for Ireland? In Ireland, eight millions were expended by a vote of the House of Commons, of which one half was remitted as a free gift; and yet the hon. Member for Cork spoke of that as a mere trifling circumstance, as a gift which it was only proper to make at a time of national distress, for that the calamity was an Imperial calamity. When Sir Robert Peel first introduced the income tax, in 1842, he (Mr. Williams) proposed that it should be extended to Ireland, but only to those incomes that were taken out of the English Exchequer. There was a million and a half of the interest of the national debt that was paid in Ireland, and a large amount of debt also was borrowed from the Bank of Ireland. There was the salary of the Lord Lieutenant, 20,000*l.*; with a whole host of officers under him. The Four Courts cost at least 30,000*l.*, all these were exempt from paying the income tax, while the pensioners drew 100,000*l.*; there were numerous other public officers who received a very large amount in salaries. He thought the Irish Members, therefore, had every reason to be satisfied with the present Budget. If they expected to be for ever exempted from the income tax, they might rest assured that they were much deceived. Here was a most liberal offer made to them, with which he would advise them to close. The interest of the annuities which were about to be given up amounted to 240,000*l.* a year, and they would have had to pay that for forty years, while the income tax would only last for seven years. He would venture to say that the calculations of the Chancellor of the Exchequer in that respect were perfectly correct. If Parliament chose to continue that tax, which would enable them to take off probably ten millions more of taxes, Ireland would reap her full share of the benefits. He had always supported the interests of Ireland; but on this occasion he felt it his duty, while doing no injustice to Ireland, to consult the interests of his own constituents. The hon. Baronet the Member for Hertfordshire had complained of the system of abolishing taxes altogether, which, according to him, ceased on that account to be reproductive. Now, if hon. Gentlemen would only look to the history of taxation since the last war, they would find that when taxes were taken off the people never kept the money in their pockets, but spent it upon other articles which were taxed. He might mention that since 1821, 39,000,000*l.* of taxes had been taken off, and 10,000,000*l.* added, making a clear reduction of 29,000,000*l.* a year from the annual burdens of the people. But what was the difference in the revenue of the country between 1821 and last year? Why, the only difference was a fall in the revenue of last year to the extent of 1,100,000*l.* But if hon. Gentlemen would look at the reductions since 1842, the effect was still more astonishing. Since 1842, taxes to the amount of 13,500,000*l.* had been taken off, while taxes to the amount of 6,600,000*l.* had been added, making a clear reduction of 6,900,000*l.* a year. But the revenue which in 1841 was 48,000,000*l.*, was in 1852 53,200,000*l.*, so that after a reduction of taxes to the extent of 6,900,000*l.*, the annual revenue had increased by 5,200,000*l.* And he had no doubt that the same result would follow from the present reductions, and that the right hon. Gentleman would find his calculations of increase more than realised. He concluded by expressing his entire concurrence with the Budget as a whole. There might be some things which he would be glad to see removed from it; but if they were he knew he could not get the advantages that would result from the other parts. On a view of all the parts of the scheme, and considering the immense reductions which were proposed, he thought the right hon. Gentleman had shown very great ability in bringing forward a Budget which, in his opinion, would be highly beneficial to the country.

MR. MAGUIRE willingly accepted the definition of responsibility that attached to every hon. Member of that House who voted or expressed his opinion on that occasion. The hon. Member for Montrose said, the candour of each hon. Member would be tested by the course he now took. He willingly bowed to that, and would take his stand on the merits of this question as far as regarded his own country, though if it was a question that referred peculiarly to England, his decision might be of a somewhat different character. He meant that if he were an Englishman he should be inclined to give a favourable consideration to the Budget; but being an Irishman, and feeling that his country was especially and hardly dealt with, he was bound to give it his strenuous resistance. The hon. Gentleman who had just spoken, had endeavoured to refute the statements of the hon. Member for Cork, but he had totally failed in his attempt. The hon. Member for Cork had proved that Ireland paid her full share of the Imperial burdens, and he could show that Ireland was not in a situation at that moment to bear any addition to her taxation, and that it would be wise and prudent in the Financial Minister of England to reduce the burdens of that country instead of imposing further burdens upon her. The hon. Member said that Ireland contributed only 4,000,000*l.* to the Imperial taxation; but were there not many local burdens upon her? Ireland had, in 1851, paid in poor-rates not less than 1,300,000*l.*; in county cess nearly 1,000,000*l.*; in tithe rentcharge 600,000*l.*; or, including other burdens, which he would not enumerate, and those which had been mentioned by the hon. Member for Lambeth (Mr. Williams), not less in the whole than 7,000,000*l.* sterling. All this time the rental of Ireland had been gradually falling off; so that whereas in 1842 that rental was 13,000,000*l.* sterling, in 1852 it had fallen to between 10,000,000*l.* and 11,000,000*l.* by reason of the misfortunes under which the country had been suffering. In this condition of things, which, instead of inviting oppression, should have excited commiseration, let the Committee distinctly understand what was the liberal and munificent proposition which was to catch the Irish Members, and make them hang in a body to the skirts of the Chancellor of the Exchequer. The right hon. Gentleman proposed to reduce taxation in Ireland to the extent of 400,000*l.* per annum; but then he contemplated increasing it by 900,000*l.*, leaving a balance against Ireland of 500,000*l.* The right hon Gentleman talked of allowing for waste of spirits in bond, and of taking off 40,000*l.* a year that ought never to have been put on; but then he imposed an additional duty on spirits of 138,000*l.*, making an additional charge upon that article alone of 98,000*l.* The right hon. Gentleman proposed to raise from Ireland a total taxation of 916,000*l.*, and to deduct taxation to the extent of 409,000*l.*, thereby leaving himself a balance of 507,000*l.* But he (Mr. Maguire) appealed to the opinions of all the great statesmen of modern times as being opposed to the infliction of the income tax upon Ireland. In the year 1842, Sir Robert Peel said—

> "In my opinion, if war should arise—I speak, of course, of some great European contest, calling upon this country to put forth all her energies—in such a case, Ireland ought to contribute, and would be desirous to contribute, her fair share of taxation; but this is a tax which was not levied in Ireland during the war, and there is no machinery for levying it."

In the same year, the noble Lord the Member for the City of London, who now represented the views of the Government in the House, said that the attempt to collect the income tax in Ireland would be a total failure, and that to tax Irish peasants would be mere moonshine. Ireland, said the noble Lord in 1842, could not afford any additional taxation; if that were the case in 1842, how much more strongly was it the fact now, after Ireland had, in the course of the last ten years, undergone such heavy calamities and prostrating losses? Nevertheless, the noble Lord was now prepared to tax Ireland anew, and that too, at a moment when he proposed to reduce the duty on foreign butter, thus allowing the Dutch producer to compete with the Irish farmer. As an Irish Member, he was bound to say, that free trade had not done anything for Ireland. It might have done good, and, he believed, it did do good, to Leeds and Manchester, and the other great towns of England; but it had only impoverished Ireland, and brought many a noble name to want and ruin. If the noble Lord were to visit the towns and villages of Ireland, and to see whole streets taken up with auxiliary workhouses, he would never think of imposing additional taxation on the country. With regard to the present condition of Ireland, he would be able to show that it was infinitely worse than in 1842. The glass manufactories in Cork, Belfast, and Dublin were annihilated by the duties imposed upon this branch of industry by the Imperial Parliament, whilst the woollen trade had been ruined by the glorious, pious, and hooked-nosed William the Third, who acceded to the petition of the English Parliament that he would take means "to discourage the woollen trade of Ireland." Again, if they looked to the export trade of the country, they would see the extent to which it had decreased. When manufactures were "discouraged" in the country, the people were told to grow wheat and green crops, and feed fat cattle for the fat people of England. The following were the quantities of grain exported from Ireland in 1845 and 1851, respectively, by which it would be seen that the country, so far from being able to bear taxation now, was in a far worse position to bear it than when Sir Robert Peel and Lord John Russell both refused to inflict it upon her. In 1845 Ireland sent to England 93,000 quarters of wheat; in 1851 these exports had fallen off to 44,000. In 1845 she sent 2,358,000 quarters of oats to England; in 1851 only 1,141,000. Nay, more, Ireland, which had never before been an importing country, imported, in 1851, 1,600,000 quarters of grain, and, in 1852, 2,500,000 quarters. Again, look at the falling-off in the exports of swine from Ireland:—In 1847 these exports amounted to 480,000 head, whereas in 1851 the exportation had fallen off to 136,000; so in sheep and lambs the exportation in the same years had fallen off from 324,000 to 151,000 head. In 1847 Ireland built thirty-three ships, having a total tonnage of 3,000; in 1851 her industry in this respect had fallen to thirteen ships, with 900 tonnage. The population of Ireland had decreased by famine and emigration, upwards of 200,000 since 1842. The inhabited houses had also diminished 21 per cent, the houses in progress 36 per cent, while the uninhabited houses had increased 24 per cent. The Government talked of Ireland's prosperity. Was it a sign of prosperity that no less than 8,700,000*l.* worth of property had changed hands in the Encumbered Estates Court, and that there were petitions in that court at this moment representing property of the gross value of 20,000,000*l.* or 25,000,000*l.* The introduction of the income tax into Ireland would necessarily have a tendency to demoralise the Irish people. It was most unjust to propose to levy such a tax on Ireland in her present depressed condition. The Chancellor of the Exchequer called the income tax a colossal engine of finance. Colossal it was, no doubt, in its power to crush a nation. The sword of the Financial Minister had been unsheathed, not to defend but to strike down Ireland in her weakness. The Chancellor of the Exchequer had proposed the remission of the Consolidated Annuities (amounting to 4,000,000*l.*), in order to induce the Irish Members to consent to the extension of the income tax to Ireland. But he (Mr. Maguire) contended that if the Act of Union between England and Ireland were rightly construed, Ireland ought not to be called upon individually to contribute a single farthing in repayment of what was advanced from the Imperial Exchequer to alleviate an imperial distress. An hon. Gentleman opposite had spoken of a case of calamity which had occurred in the island of Skye, and said that the people of Ireland ought to have been prepared out of their own resources to meet the famine of the last few years, as the people of Scotland dealt with the distress in Skye. But it was altogether absurd to compare the paltry calamity at Skye with the terrible and national disaster which had befallen Ireland —an integral portion of the empire. He appealed to the hon. Member for the West Riding (Mr. Cobden) to resist the proposed extension of the income tax to Ireland; for when it was proposed to subject England to that tax, that hon. Gentleman said that it would be most unjust to subject Manchester, Leeds, Sheffield, and other manufacturing towns, to a new tax at a time when they were suffering from commercial depression. Now, could any one deny that at this moment the trade of Ireland was in a state of depression and suffering? The people of Ireland, from the highest to the lowest classes, were compelled, in her present condition, to resort to economy. An enthusiastic Gentleman on the opposite benches had told the Irish Members to rejoice that a great mind, meaning that of the Chancellor of the Exchequer, had been engaged on the affairs of Ireland. Now, in 1842, the hon. Member for Pontefract, in a similarly enthusiastic strain, called upon the English Members to rejoice that a great and comprehensive scheme of taxation had been submitted to the House by the Chancellor of the Exchequer; but the hon. Member for Finsbury, whilst admitting its comprehensiveness, denounced it as he (Mr. Maguire) denounced the proposition with regard to Ireland—as a measure that was obnoxious and repugnant to the feelings of the country. An income tax was alien to the habits of the people of Ireland. It was most distasteful to their feelings. The Government might honey the pill, they might gild it, they might gloss it over with charming words and flowing sentences, full of compliments to Ireland, but it would not go down. The Chancellor of the Exchequer had said that the people of England and Ireland would be rid of the income tax in 1860; but did the right hon. Gentleman think that the Irish Members were so verdant, or, to use a less classical phrase, so green as to believe that the income tax would die in 1860? The income tax, when first proposed by Sir Robert Peel, was only to last for three years, but it had already been in existence eleven years; and as it was a child of the hon. Member for Montrose (Mr. Hume), there was not much probability of its expiring in seven years. On the contrary, it was likely to attain the age of Old Parr. If the Irish Members should act so foolishly as to consent to the extension of the income tax to Ireland, under the notion that it would expire in 1860, they would betray the trust confided to them by their constituents, and would deserve to be drummed out of that House. In conclusion, he would say, that his conduct on this question would not be influenced by any considerations of party. Indeed, no such feelings ought to influence one's conduct in matters of finance. He called upon every representative of Ireland to resist the attempt made by the Government to subject that country to an odious, oppressive, and unjust tax, which she was not able to bear. The city of Cork, with which he was officially connected, already paid 10*s.* in the pound. In addition to that, the merchants and shopkeepers contributed largely to charitable institutions, and it was impossible for them to undertake to pay this new tax proposed by the Chancellor of the Exchequer. It was all very well to talk of Ireland being an integral portion of the empire when they wished to make her bear equal burdens with England; but that was not the tone in which the Government spoke of her when she asked for aid when her people were suffering from famine. Ireland had often been ridiculed for her bulls and her blunders; but this Budget of the Chancellor of the Exchequer was the finest Durham he (Mr. Maguire) had ever heard of. Ireland ought to be duly appreciated by those who were anxious to maintain unimpaired the influence and greatness of the empire.

Mr. WARNER said, that the hon. Gentleman's argument should rather have led him to support the measure than to oppose it. Had not the hon. Member shown beyond all doubt that Ireland was more prosperous now than she was in 1842? Had he not told them that whereas formerly Ireland was an exporting country, she was now an importing country? case, he stated the alternatives that he The hon. Member for Cork (Mr. Fagan) had laid down the broad principle that taxation ought to be proportioned to the ability of a country to pay it. He quite agreed with the hon. Member in that principle; and he knew no better way of measuring the ability of a country than by the income tax. He would, however, press this on the Government, that, in considering the income tax, allowance should be made, in both countries, for local purposes. In a few years he hoped they would be able to do without it at all; but for a few years it was indispensable. He asked hon. Gentlemen if they threw out this Budget what would be the result? He was not in any secret, but it seemed not unlikely they might have a dissolution. And what then? Depend upon it, "Equality of taxation" would be made a cry at the hustings, and Members would be returned pledged to do justice to England and Scotland as well as "Justice to Ireland." As a whole he heartily approved this Budget, and should give it his warmest support. Of course there might be objections to the details, but he had no doubt they would receive consideration, from whatever quarter of the House they came.

Mr. NEWDEGATE observed that the Members of Her Majesty's Government seemed to be of opinion that with respect to the proposal for reimposition of the income tax for seven years, the least that was said by them would be the soonest mended. He would ask any Member of Her Majesty's Government to rise in his place and assert there was any urgent necessity for this renewal of the income tax. From the able statement made by the right hon. Gentleman the other night, it appeared there were two courses open to Government. The right hon. Gentleman also said there was a third course. To that third course he objected. But there were two courses perfectly open to Government, according to the opinion of the Chancellor of the Exchequer—one was, to relinquish the tax, the other, to renew it. The third—the course he deprecated, was to emasculate the tax, and so weaken the power of this great weapon as that it should not be available in case of necessity. These were the points indicated by the right hon. Gentleman. He would now ask the right hon. Gentleman whether he was prepared to say there existed any absolute necessity for the renewal of the tax? When the right hon. Gentleman made his statement, so far from saying this was the considered available instead of the renewal of the income tax. He said, if the House did not propose to continue the income tax, they might provide for the exigencies of the public service, and the maintenance of national credit, by the imposition of a property tax, by the imposition of licence duties, or by extending the legacy duty to real property. He (Mr. Newdegate) was not bound to accept either of these alternatives. But he had a right to infer, from the suggestion of these alternatives by the Chancellor of the Exchequer, that he considered that if his alternatives were accepted, there would be no necessity for imposing the income tax. The right hon. Gentleman told the House what great things the income tax had done for the country during the war; that when whole plains were smeared with carnage, the country was, by means of this tax, enabled to meet and to overcome every danger. Then why did not the right hon. Gentleman reserve this tax, as a mighty weapon of defence against dangers, which would reconcile those who would have to pay it to its inequalities, in consideration of the emergency which called for its use. He would ask the right hon. Gentleman a question. How he could justly expect, after his own forcible exposition of the inequality of the pressure of the income tax, of its injustice, of its inquisitorial character, and of the frauds it generated, and that he knew not how to obviate these evils; that the House of Commons could sanction his proposal when there was no emergency sufficiently strong to justify the imposition of the tax for seven years; when no Minister had ever before dared to propose to continue the tax for more than five years? It was only on one occasion that any Minister had proposed the imposition of the income tax for more than three years. The right hon. President of the Board of Control (Sir Charles Wood), when he was Chancellor of the Exchequer, had proposed the renewal of the income tax for five years; but he was met by universal dissent, and he withdrew his proposal. That was in 1848, when the House was called upon to liquidate a debt of 8,000,000*l.* which had been incurred to relieve the distress in Ireland. Was there any necessity of the sort now? Did the House remember what was the origin of the tax? It was originally imposed in 1842 in order to pay off the debt of 8,000,000*l.* created by the deficiencies incurred by the Whig Government. Instead of having deficiencies to meet as on those occasions, modern Chancellors of the Exchequer had been paying off debt. This tax was renewed in 1845. But was the precedent of 1845 so inviting? The recollection of that period was rife with regret from broken pledges. He would ask hon. Members who had emphatically denounced the tax to their constituents as unjust, oppressive, and iniquitous, how they meant to justify the renewal of the tax for seven years? Were they prepared for a dissolution on the renewal of the tax for that long period? Were they prepared to justify the reimposition of the present income tax with all its inequalities and frauds—inequalities proved before a Committee of the House, admitted by every one, condemned by all; frauds so vividly depicted by the Chancellor of the Exchequer himself. That there was no absolute necessity for the renewal of this tax, had been proved by the right hon. Gentleman himself, for he said that it might be reserved—and in that he agreed with him—as a mighty weapon to meet any emergency that might arise from external force or internal calamity. He would ask those hon. Gentlemen who had hitherto been arrayed against the tax, what they would do in case of a dissolution, after having violated those solemn pledges they had given to their constituents? If the right hon. Gentleman had come down and said that the necessity of arming the country against external danger had so outstripped our ordinary resources that a renewal of the income tax for one year was necessary, he might have voted for it on that ground, for one year; but no such exigency could be alleged. It was the fashion for Chancellors of the Exchequer now-a-days to propose what was called a great financial reform once, at least, a year, and the right hon. Gentleman, following the fashion, had come down and demanded, for the purpose of enabling him to carry his financial reform, a reimposition of the income tax for seven years. He would ask the hon. Member for Montrose, whether every one of his proposals for adjusting the tax had not been rejected with contumely? He (Mr. Newdegate) had voted for the appointment of the Committee moved for by the hon. Member for Montrose to inquire into the income tax, and he had served with him upon it. When he voted for the Committee he told the hon. Member for Montrose that he would prove the injustice of the tax, but fail in obtaining an effectual remedy for that injustice. The injustice, the inequality, the fraud of the tax were proved—all attempts to correct the inequalities, or the inquisitorial and unjust operation of the tax, which rendered the tax odious, had been rejected; but the hon. Member was, nevertheless, going to vote for the renewal of the tax, uncorrected, for seven years. The hon. Member need not expect that he would follow him in what he very appropriately called his roundabouts. The hon. Member for Montrose, the Nestor of financial reform, had often condemned the income tax as it at present existed; but, *heu prisca fides*, the hon. Member now told them that he was willing to renew it, bad as it was, for seven years. The hon. Member said he would support it for the sake of the remainder of the scheme. What did that scheme comprehend? There was the abolition of the soap duty. It was admitted by the right hon. Gentleman the Chancellor of the Exchequer that this would be a boon to Manchester. When were the boons to Manchester to end? For the last ten years they had been doing nothing but legislating for Manchester. The agricultural interest had burdens to bear. These were to be left unrelieved, aye, aggravated by the continuance of the income tax; but Manchester, which, by the by, had been declared to be in so prosperous a state, was to have this additional boon of soft soap. Then the Chancellor of the Exchequer also proposed to remit a large number of smaller taxes, some assessed taxes upon luxuries. The remission of these could not justify the imposition of the income tax for seven years. It was right to reduce the posthorse duty, but that might be done without such an addition of taxation as was proposed. The right hon. Gentleman also proposed to cast away about 600,000*l.* of Custom duties, although within the last six weeks the House had refused to reduce these very duties by a majority of two to one. But what mattered the decision of the House to the Chancellor of the Exchequer; he was under way for a great financial reform. Here he (Mr. Newdegate) would give an instance of the manner in which the Chancellor of the Exchequer, judging by the papers he had submitted to the House, intended to arrange the Custom duties: He proposed to adopt the principle of specific duties, as contradistinguished from duties *ad valorem.* He would cite an instance by way of illustration of the plan proposed by the right hon. Gentleman. Among the changes proposed for this purpose was that of the duty on musical boxes; and how did the House suppose the right hon. Gentleman proposed to regulate the duty on such boxes? Why, at the rate of so much a tune. Let the House imagine a musical Custom-house officer, winding up each musical box that was imported, and sitting down to hear how many tunes it would play, before he could assess the duty. He considered that the measure of the Chancellor of the Exchequer involved another blow at the agricultural interest. The House had decided, by a majority of two to one, to maintain the duties upon butter and cheese; but what mattered the decision of the House to the Chancellor of the Exchequer? He came down and told them they must reverse their former decision, and reduce the duties upon butter and cheese. [*Cheers from the Opposition.*] The right hon. Gentleman further proposed the extension of the legacy duty to real property: that was the item which chiefly palliated the Budget in the eyes of the democratic section of the House. He (Mr. Newdegate) was aware that the high authority of Mr. Pitt might be quoted in favour of such an extension of that tax. The opinions of Mr. Pitt, and his authority, would always command his (Mr. Newdegate's) deference and respect. But he remembered that when the late Sir Robert Peel came down to the House in 1846, and declared that he would not undertake to steer the vessel of the State by observations taken in 1842, he was received with applause by honourable and right honourable Gentlemen opposite. If, then, the late Sir Robert Peel was applauded for that conduct, how much more, if Mr. Pitt were now alive, and he was to declare he would not guide the vessel of the State in 1853 by observations taken before the commencement of the century, might not he well be justified? Were Mr. Pitt now alive, he would have seen the representatives of the landed interest, of the owners of real property, in dead minority of a reformed House of Commons; not predominant, as the House of his time. Had Mr. Pitt seen the change in our commercial policy which had been effected, and how little the feelings, the interest, and the safety of the agricultural classes had been regarded; had Mr. Pitt heard that the existence of the burdens which pressed upon the agricultural interest had for years been wilfully ignored; though now the Chancellor of the Exchequer admitted the existence of peculiar burdens upon real property, including land, to the amount of 12,000,000 or 14,000,000 a year; had Mr. Pitt seen how the just claims of that interest had been scouted; that eminent statesman would, he (Mr. Newdegate) was convinced, have entertained a different opinion as to the imposition of an additional 2,000,000*l.* a year legacy duty on that interest. He (Mr. Newdegate) had, in 1845, urged his friends in the House to consent to a Motion made by Mr. Henry Ward for the appointment of a Committee to consider the burdens upon land. [Lord J. Russell: Hear, hear!] His advice had been rejected; he (Mr. Newdegate) thought that was a great mistake; the noble Lord the Member for the City of London agreed his advice to the representatives of the landed interest was on that occasion judicious; but it was disregarded, and for years from that time the existence of any burdens upon agriculture, or upon real property, had been denied. The advice that he would now venture to tender to the landed interest was this: "If it is right that you should be subjected to additional taxation, take care it is imposed in a form as obvious as the property you hold." If they consented to this extension of the legacy duty they would be told, "You are the present possessors of the property, and the tax concerns you no more than the undertakers' bill for your own funerals." The temper of the democratic party induced them to look with jealousy on landed property, and he would advise landed proprietors to consent to no tax, the incidence of which could be disputed, or which survived the interest of the possessor; for if they did, they would get no credit for it; where the balance of taxation was struck, the legacy duty would moreover tend to separate the interest of the possessor from the interest of those who should succeed him, and thus weaken by division the power of those who are the natural guardians of the interests of all connected with real property. If personal property could be reached by any other means than by the legacy duty, he would agree that it would be unjust to tax it by that means; but the frauds under the income tax proved that personal property could only be effectually brought under direct taxation when that property was attested for the purposes of legal transfer. There was no such difficulty in reaching real property for the purpose of taxation. His gravest and last objection to the tax on succession to real estate was, that they were going to impose the tax on those succeeding to it at the time when most of them were least able to bear it; thus unnecessarily aggravating the burden of taxation they would be called upon to bear.

Mr. MONCKTON MILNES said, he would not detain the House beyond a few minutes, for he was sure they must be anxious to hear his hon. Friend (Mr. Drummond), whose eloquence and humour would enliven the debate which, so far, seemed to him to possess but little interest. It was no great want of political charity to say that hon. Gentlemen opposite, however anxious they might be to make a good legitimate use of the circumstances of the evening, could not be expected to be very enthusiastic upon the question of discrimination in the Income tax—the effect of which was to place a larger proportion of taxation upon the fluctuating incomes which they themselves did not especially possess. Nor could hon. Gentlemen on his side of the House, who had expressed a desire for such a modification as would make a distinction between fixed and fluctuating incomes, have any great satisfaction in saying—what he should say—that we were about to give the Budget of his right hon. Friend the Chancellor of the Exchequer the fullest support in their power. This was a practical question, to be dealt with on practical grounds. In dealing with it, they were obliged to give up what many of them believed to be very just and sound opinions; but they gave them up as Englishmen; they sacrificed their own views and opinions when it was found necessary to fall into larger schemes and enter upon higher considerations; and therefore they surrendered their opinion in favour of a modification of the Income tax, for the sake of the other advantages of the Chancellor of the Exchequer's scheme. No doubt many of them had, in the presence of their constituents, advocated the immediate repeal of the tax; it would be unjust to the constituents of many of those who had spoken most strongly upon this subject, were they in any way to give up their opinions; but when they had uttered those opinions, they regarded the income tax as in a certain degree part of the permanent resources of the country. But when his right hon. Friend laid it down only as the basis of his scheme for the revision of taxation, and showed that by the falling in of the Long Annuities in 1861, the income tax might be remitted altogether, the circumstances of the case were altogether altered; for they afforded the most distinct ground for regarding the tax as of limited duration, and therefore it was that he felt perfectly justified in supporting the proposition of the Government. At the same time he did not deny that he should have been glad if it had been possible to effect a discrimination between fixed and fluctuating incomes; but he would not merely on this account risk the success of that which he considered one of the best financial schemes that had ever been brought forward in this country. It was easy enough to state the case of Ireland in the way in which it had been put by the hon. Member for Dungarvon (Mr. Maguire). The hon. Member had said that Ireland ought not to pay the tax at all, because the heavy natural calamity that had befallen that country was a just reason for not pressing heavily on her resources; but that was not a correct view of the case. It was the object of his right hon. Friend to relieve the distressed portions of Ireland of the burdens which were pressing upon them; and to impose another tax which could only fall upon the wealth of the country—which would reach the solvent capitalist who had purchased the estate of a previous insolvent owner. This, he was sure, must be an advantage, and he could not believe that in the main it would be unacceptable to the people of Ireland. Moreover, a large proportion of Irish proprietors paid the tax at present, and therefore the extension of the tax as to a large portion of the property of Ireland was more apparent than real. He had one remark in relation to real property as affected by the Budget. No doubt his right hon. Friend had felt the difficulties of the question. He believed, however, that his right hon. Friend would take into his consideration the large burdens at present laid upon land, and therefore he could not deny that this was a very great innovation, which would be attended with results much greater, perhaps, than those which followed the repeal of the corn laws. Yet he could not but believe that this extension of taxation must have been submitted to in a very short time, if not this year; and, on the whole, he thought it would be better to accept this tax, coupled with the general revision of taxation which the Chancellor of the Exchequer proposed, than to have it forced on them afterwards. When hon. Gentlemen talked of repealing the income tax at the present moment, he thought they were suggesting something which they would not venture to propose if they were themselves in office. If, in case of a dissolution, they went to the country, what would be the question? The question would not be between the present scheme of taxation and an abstract system, but it would be between the present Budget and that of last year. Presenting these two Budgets, and having regard to the classes upon whom the extension of taxation would fall, he believed there was not a constituency in the kingdom, from one end to the other, which would not pronounce for that of the right hon. Gentleman. He, for one, should not fear the result.

Sir WILLIAM JOLLIFFE said, that the hon. Gentleman who had just sat down had put the question before the Committee in quite a novel light. He had said that he was about to give a blind adhesion to the right hon. Gentleman opposite, and that he was not afraid to go down to his constituents and let them know the course which he had adopted. He said that they on the Opposition side of the House were making some party move with respect to the income tax; now he (Sir W. Jolliffe) said they should look to the hon. Member, for he was prepared to break away from all the pledges he had previously given, and blindly to follow the Minister in whatever he might propose. But there had been another speech delivered in that House in the course of the evening by the hon. Member for Malton (Mr. E. Denison), which threw the same novel light upon the subject under the notice of the Committee as the observations which had fallen from the hon. Gentleman who had last addressed them. The hon. Member for Malton had stated that he had made up his mind to look neither to the right nor to the left, but to follow without hesitation the propositions of the Chancellor of the Exchequer. He (Sir W. Jolliffe) could not help thinking that such was rather a strange mode of proceeding. He felt satisfied that those hon. Gentlemen, as well as the hon. Member for Montrose, were describing rather dangerous circles around the Budget of the right hon. Gentleman, and that it would act upon them by and by like the light of a candle upon some imprudent insect, and singe their wings. Now he would just for a moment call the attention of the Committee to the mode in which it was proposed to deal with the Excise duties. In the case of those duties, the right hon. Gentleman opposite appeared to him to have taken a course diametrically opposed to that principle of which the hon. Member for Montrose had been the consistent advocate. He (Sir W. Jolliffe) had never disputed the principles of free trade if they were accompanied with the financial arrangements necessary to carry them into effect; but he could conceive no greater impediment to free trade than the maintenance at home of high Excise duties, which levied a toll upon the industry of the country, and promoted and continued a system of monopoly. Now, the Chancellor of the Exchequer proposed to raise the duty upon Scotch and Irish spirits, increasing in proportion the Customs duties on foreign importation; and, *pro tanto*, he would embarrass the intercourse with nations who would supply us with better articles, and upon which we might raise a considerable revenue. The measure of the right hon. Gentleman would tend to fetter the trade of this empire with France, and the countries in the south of Europe. He would ask the right hon. Gentleman, if the duty upon French brandy were reduced, would not a considerable increase of revenue be the result? If, with regard to the West India interests, a similar reduction were made, he believed a small relief would be afforded to those suffering colonies. Such a course, too, would be in accordance with the principles of free trade. The financial scheme of his right hon. Friend the Member for Bucks (Mr. Disraeli) was based upon that principle, and it was the fact of its having proposed to reduce the duty upon articles of Excise that in his (Sir W. Jolliffe's) opinion constituted the chief merit of that scheme. It had been stated by hon. Gentlemen opposite, in the course of that evening, that the Budget which the Committee was then discussing was one of the greatest financial experiments that had been made for years. But he must say that if ever the income tax, which had been described as the great feature of that experiment, was to be remitted, the present was the time for its abolition. He did not think that there was any prospect that in the year 1860 the country would be in a position which would enable us more conveniently to dispense with that tax than we could at this moment. There was a large excess of revenue in the Exchequer, and the right hon. Gentleman proposed to levy 2,000,000*l*. of additional taxation, and thus he had the means of dealing with the income tax; and he, for one, was of opinion, that taking into account the sum which was to be sacrificed by the remission of the soap and other duties, that those remissions might be postponed with benefit to the country, and the existing surplus employed in order to effect so desirable an object as the total repeal of the income and property tax.

Mr. H. DRUMMOND could assure his hon. Friend the Member for Pontefract (Mr. M. Milnes), that he never rose to address the House in a mood less humorous. He could see nothing very lively in a subject like the income tax, and though, no doubt, it was within the power of his hon. Friend to produce a poetical budget, yet the two greatest geniuses in the House—the right hon. Gentleman the late Chancellor of the Exchequer, and the right hon. Gentleman the present Chancellor of the Exchequer—had not been able to relieve it from that dulness which was generally connected with pounds, shillings, and pence. He (Mr. Drummond) had been induced to rise in consequence of some observations that had fallen from the hon. Member for Herefordshire (Mr. Booker), with respect to the proposed tax on successions to real property. The hon. Member had stated that the Government measure, in reference to the imposition of a legacy duty upon the succession to that species of estate, would tend to the dismemberment of the aristocracy, and to the breaking up of all the landed property of the country. But the proposed legacy duty would be a tax upon elder brothers, rather than a tax upon land. Now, he (Mr. Drummond), had no antipathy to elder brothers—no doubt they were the best and the most distinguished of the whole family—but he should remind the Committee that, as long as he could remember, that duty had been looked upon as a very serious evil by younger brothers. When the hon. Member opposite spoke of it as likely to break up the aristocracy of England, he seemed to pay very little regard to historical facts. Who broke up the landed aristocracy of France? Was it not the younger brothers in the National Convention? They saw that while their fathers left large estates to their elder brothers, those brothers were not compelled to pay a tax, whereas the younger sons, who received but a few thousands, were compelled to pay duty upon that sum. And when the hon. Gentleman said that such a tax was new in this country, he (Mr. Drummond) must ask where his historical knowledge was? It was one of the oldest taxes which had existed in this country. Did he know nothing of the *inquisitiones post mortem?* Why, this tax had formed almost the sole resource of the Crown from the time of the Conquest down to the reign of Henry the Eighth. Hon. Gentlemen had referred, in the course of their observations that evening, to the probable consequences of a dissolution as the result of the rejection of the Resolutions before the Committee. But upon the hustings the Budget of the right hon. Gentleman the Chancellor of the Exchequer would be presented as a contrast to that of his predecessor. What destroyed the last Budget? It was a most unfair run upon the house tax—a most unfair advantage which was taken to excite clamour in the towns on that subject. Now in the event of a dissolution on this Budget, the constituencies would have put before them this alternative: would they impose a tax on elder brothers on their succession to their estates, or would they prefer a double house tax? That was the way in which the question would be presented at the hustings, and when they reduced it in that way to a narrow *formula,* it was as good as having the big loaf on one poll, and a small loaf on another. But there was one circumstance which ought to afford consolation to the landed interests. They might rest assured that the enormous influx of gold into this country tended very much to their advantage, while it was likely to prove detrimental to the stockholder, and they would have abundant reason to rejoice in the fact that their property consisted of land and not of money. He should now advert to the income tax, and he could not refrain from expressing his surprise that any hon. Gentleman should expect that that tax would be altogether remitted. When he (Mr. Drummond) had first read the speech of the late Sir Robert Peel upon the introduction of that tax, and had seen mention made in that speech of the tax having been introduced only for one year, he had looked upon the statement as a gross imposture. He firmly believed that whether the Committee consented to the reimposition of the income tax for one year or for a longer period, no Member of that House would live to see it repealed. Then it was said that the tax was only to be continued for seven years; but what difference did that make when it was to be continued in an everlasting series? But they had been told by the hon. Baronet opposite (Sir E. B. Lytton), that the income tax was a very immoral tax; and an hon. Member from Ireland, who had spoken that evening, seemed to be afraid that its extension to his native country would destroy the morality of its people. Now he (Mr. Drummond), would ask the hon. Baronet, was it the income tax, or the operation of what had been designated wicked and unjust laws, that caused the shopkeepers of London to trade in a fraudulent manner in wine, coffee, and other articles? Was it the operation of unjust laws that gave rise to that system of adulterating the food of the people which so extensively prevailed? He (Mr. Drummond) had passed some time since in a certain locality where large quantities of pickled cabbages were exposed for sale, and beneath those cabbages were carboys of oil of vitriol to pickle the red cabbages. It was not true, then, that shopkeepers of this country were an extremely moral class, nor was it to our taxes or our laws that their immorality was to be attributed. No Acts of Parliament could prevent it. Many persons were in the habit of decrying the intellectual power of the Members of that House; but he (Mr. Drummond) had never heard its worst enemies say that there was anybody in it so intensely stupid as not to be able to pick a hole in a Budget. But, in his opinion, the Budget should be taken as a whole. The income tax was the substratum upon which the whole scheme of creating a machinery for the reduction of the national debt was to be based. Hon. Members, before they objected to the use of such a machinery, ought to be prepared to point out some other means by which an end so desirable as that reduction could be attained. An hon. Member had complained of the extension of the income tax to Ireland; but he (Mr. Drummond) could not agree with the hon. Gentleman in the view which he had taken of that question. He thought Ireland ought to bear her fair portion of the Imperial burdens. With respect to the landed interest, he should observe that, in his opinion, they could not act wisely in objecting to the proposed tax upon successions. It was quite plain, from the vote upon the Budget of the late Chancellor of the Exchequer, that it was in the power of the metropolitan Members to overthrow any financial scheme of which they did not approve. If each successive Budget were thus to be overthrown, that House might as well abdicate its functions, and adjourn *sine die.*

Mr. MUNTZ said, it was with very great regret that he rose to oppose the Budget to the country at large; and if he could salve over his conscience as easily as the of the right hon. Gentleman—for in that Budget there was a great deal which he approved of, and which might be of service hon. Member for Pontefract (Mr. M. Milnes) had salved over his, he should sit quietly there, and make no remarks upon the subject. But having voted for the income tax when it was first introduced only on the ground of expediency, in order to raise the revenue then needed to meet exigencies of the State; and having on that occasion stated that he dissented from the principle of an income tax as it was proposed to be levied, he felt bound now to act consistently with his declarations at that period. He represented a very independent constituency —great many of them were small traders, and they felt in an especial manner the injustice and inequality of the tax—they were charged and surcharged and recharged, and he spoke with absolute certainty when he said the law gave them no redress. Often had such persons come to him with their books, for the purpose of showing him that they had not obtained the profits upon which they were charged; and when he asked them why they did not place their accounts before the Commissioners, they said that the Commissioners were their opponents in the same trades, or perhaps they naïvely replied—"Why, the Commissioner is my banker." He should probably take a different view of the matter, if he thought the income tax could not be amended; but he protested against such a doctrine—if the thing were attempted it could be done. Why could they not impose a *bonâ fide* property tax? A property tax fairly levied, would, he believed, produce a larger amount of revenue than the unjust tax now levied. The general feeling as regarded the income tax was, "Let us pay as little as we can, for the Government will surcharge us as much as they can." Let them assess all real property as they found it, and all personal property upon the affidavits of the party that their personal property did not exceed an amount named in them. He was sure that under such an assessment the tax would produce more than it did now, and one of the worst features of such an impost would be avoided by substituting such a mode of proof. The extension of the tax as now proposed to incomes of 100*l.* a year, would inflict greater injustice than ever. He did not say it was unjust on principle to apply the income tax to men who had 150*l.* a year, or even to men who had only 100*l.* a year: what he contended was, that the manner in which it was now assessed was unjust, and the man who had less than 100*l.* a year was less capable of resisting injustice. He considered the renewal of the income tax in its present form a foul blot on the whole scheme of the Government—and the obstacle which it presented was so great that he could not get over it. He did not see, however, why the right hon. Gentleman should not, like his predecessors, amend his Budget. Able as the right hon. Gentleman was, he was not perfect. Even in his five hours' speech he made some considerable blunders. For example, after speaking of the manner in which the revenue of 22 millions was raised in 1792, he said that in consequence of subsequent alterations in the imposition of the income tax it rose in 1806 to between 60 and 70 millions; whereas, in fact, 16 millions was the utmost amount of income tax collected within one year. If the right hon. Gentleman would consent to amend his Budget with respect to the income tax, he (Mr. Muntz) would be happy to give the measure his support; but if he were determined to keep it in its present state, he was sorry to say he must oppose it.

Mr. STANHOPE said, that as long as a Chancellor of the Exchequer was allowed to reimpose the income tax when he had a surplus at his disposal, so long they could entertain no reasonable hope of terminating that impost. If there were a surplus of 2,500,000*l.*, how could it be better employed than in application towards the removal of a tax admitted upon all hands to be a grievous and vexatious tax—a tax which ought to be resorted to only in extremity? Why not apply 2,500,000*l.* one year, 500,000*l.* the next, 1,500,000*l.* the next, and so on, until the place of the tax was supplied, and it could be altogether dispensed with? The three principal classes affected by the income tax were those with precarious incomes, the fundholder and mortgagee, and the persons possessed of real property, and upon these classes the tax was most unequal in its operation; and surely, if the tax were to be continued, it ought not to be continued with its present inequalities and the unjust mode in which it operated against the holders of precarious incomes. The right hon. Gentleman the Chancellor of the Exchequer had the other evening made a forcible appeal in favour of the orphan and the widow; but he (Mr. Stanhope) felt persuaded that an equally forcible appeal might be made in favour of the poor country clergyman, or of the poor country curate, or the small freeholder, whose property had been depreciated by recent legislation, and who, while he expended half of his annual receipts in the improvement of his land, was subjected on the whole of the amount to the payment of the income tax. He would illustrate by an example the unjust mode in which that tax was at present levied. He would take the case of two men, each of whom he would suppose to have a property of 400*l.* a year. One of them derived his income from houses, which were rated under 6*l.* each, and which would be assessed at 350*l.* a year; he paid 4*s.* in the pound in the shape of rates, or 70*l.* a year; there were 15 per cent for repairs, or 60*l.* a year; so that he was really in the receipt of only 270*l.* a year, although he had to pay income tax on 350*l.* The other case he would suppose was that of a man who had a mortgage of 400*l.* a year, who lived in a house assessed at 50*l.*, for which he was assessed at 5*s.* in the pound, or 8*l.* a year; so that he had a net income of 392*l.* It was evident that in the cases of those two individuals the tax would operate very unfairly. He could undertake to say for himself and many other gentlemen connected with the agricultural interest, that they had spent 30 per cent of their incomes in improving their land, and yet they had to pay income tax on the entire amount. Then, again, let them look at the case of a tenant-farmer. They assessed him on the presumption that his profits amounted to one-half of his rent; but he (Mr. Stanhope) had reason to believe that the farmers in the county which he had the honour to represent (Lincolnshire), might much more fairly have been assessed at one-third of their rent. In the year 1850, when a Motion had been brought forward by his right hon. Friend (Mr. Disraeli) on the subject of agricultural distress, the right hon. Baronet at present at the head of the Admiralty (Sir J. Graham) had stated that "he was not prepared to say that it was fair to tax a landlord on his gross rental; and, as to the arbitrary assessment under Schedule B of the tenant's profits, which were estimated at one-half the rent, that assessment was still more indefensible." The right hon. Baronet added that, "if it should be thought expedient to renew the income tax, he would certainly put in a strong claim on behalf of the landed interest for an alteration of the terms on which they were assessed." He hoped the right hon. Baronet would at present redeem the pledge he had thus given in the year 1850, and would endeavour to alter the terms on which the landed interest were charged with that tax. He wished to say a few words with respect to the proposed extension of the legacy duty to real property. He solemnly protested against that proposal, which would impose a charge of 2,000,000*l.* a year on land, without affording them any relief from their existing burdens. If they were to assess landlords as they assessed merchants to the income tax—that was to say, if they were to assess them on their net receipts, and if they were to review and to alter the land tax, and the other taxes which pressed on the agricultural interest with peculiar severity—if they were to adopt those measures, then, but not till then, would he be prepared to support a measure for extending the legacy duty to real property.

Mr. J. BALL said, hon. Members appeared to have almost lost sight of the real matter in controversy. He imagined it to have rested between the income tax, as modified by the Chancellor of the Exchequer, and as modified by the theorists and practical financiers on the other side of the House; but one hon. Member had risen after another, and protested against the income tax altogether. Now, what was the meaning of this sudden change? How was it that those who in December last sought to modify and extend the income tax, now wanted to abolish it altogether? He did not think their objection to it could be founded on the abolition of the soap duty, or on their sympathy with Jamaica, which found no more favour in December than at the present time. He could not but attribute the change of feeling to the proposed extension of the legacy duty, and the equalisation of the taxation of the country. He believed that to be the secret cause of the aversion of hon. Gentlemen opposite to the Budget; whereas that was in his (Mr. Ball's) opinion one of its strongest recommendations. As an Irish Member, he must say, that he did not concur in the view taken of the measure by the two hon. Members connected with that country who had already spoken (Mr. Fagan and Mr. Maguire). Remembering that Ireland was an integral portion of the United Kingdom, he could not consent to view the question as though the interests of Ireland and England were separate and distinct. At the same time, he could not forget the great claims which his own country had upon his consideration, nor would he vote in favour of the Budget if he could bring himself to believe that it would injure Ireland; but his convictions were all the other way. He believed the financial scheme of the present Government was entitled to this praise, that it was a step in the right direction towards equalising the general system of taxation. He did not consider that the measures proposed for Ireland were so unjust, injurious, and oppressive, as they were in some quarters represented to be. He would compare the additions and remissions of taxation. He estimated the small remissions for Ireland at 47,900*l.*, and the benefit from the alteration in the tea duty, would in the course of three years, reach 375,000*l.* Against those amounts he would set off the increase of the spirit duties, 198,000*l.*, and the legacy duty, 198,500*l.* This statement showed a remission of 422,900*l.*, and an addition in the shape of new taxes of 396,500*l.* The difference between the two sums was not considerable, but the difference to the consumer was very great indeed. The poor man would pay 2*s.* 6*d.* instead of 3*s.* 8*d.* a lb. for his tea, and would be nothing the worse for having to pay 1*d.* a pint more for his whisky. The extended legacy duty might be complained of by some classes, but its operation would not be felt by the community at large. The commutation of the Consolidated Annuities for the income tax he looked upon as a very judicious arrangement. The labour rate was something about 2,000,000*l.*, and the present value remaining liabilities of which the annuities consisted, amounted to 2,376,000*l.* In commutation for these annuities, which pressed with cruel severity on the agricultural interest, there was to be an income tax, which, collected at the rate of assessment proposed by the Chancellor of the Exchequer, for seven years, would, in present value, be equivalent to the sum of 2,200,000*l.* Therefore, the income tax levied at the rate proposed by the Government, would not be quite equivalent to the portion of the present debt which we all acknowledge to be fairly due by Ireland; in other words, we are called upon to pay off the sum which we confess to be justly claimable from us within seven years, instead of spreading the debt with interest over forty years. He had always had the strongest conviction that the pressure of taxation on the agricultural classes in Ireland, by reason of the famine and the introduction of poor-laws, was too great for them to bear. Those who knew anything of Ireland were well aware that the cultivators of the soil in that country had been weighed to the earth by the burden of local taxation, and yet hon. Members from Ireland, who professed to have the interests of the tenant peculiarly at heart, rose up against this proposition, the object of which was to compel the annuitant, the capitalist, and the mortgagee, to bear their fair proportion of that burden which now fell with such crushing severity on the shoulders of the tenant. He looked upon the proposition of the Chancellor of the Exchequer as a means of calling upon those parties who had so long escaped, to assist the agricultural classes in Ireland. He was not surprised that the hon. Member for Cork, representing a rich mercantile community, should think it necessary to object to being called upon to pay off the debt connected with the establishment of the poor-law in Ireland; but it did excite his surprise that hon. Members from the poorer districts of the country, who knew the way in which the wretched cultivators of the soil were borne down by local taxation, should express hostility to a proposition which appeared to him to confer a great boon upon the agricultural classes throughout the whole country, but more particularly in those districts where the famine had been most severely felt. The debts and burdens contracted during the famine, and the pressure of local taxation which that calamity induced, had combined to drive the people of Ireland from their native land, and had been productive of immense evils to the agricultural population generally. Here, then, was an opportunity for the representatives of Irish constituencies to evince their interest in the welfare of their poor countrymen, and their desire to improve their condition. What did he find? He found those who called themselves the friends of the Irish tenants banded in opposition to a measure which would raise those same tenants from the difficulties in which they had been so long involved, and relieve them of burdens which had for years pressed them to the ground. He was at a loss to understand in what way impartial Gentlemen could reconcile such conduct with professions of patriotism and humanity. To have it said that they would keep upon the shoulders of the Irish tenant a debt which was not charged upon the mortgagee, or the capitalist, or the salaried functionary, was enough to raise doubts of their sincerity and impartiality. Would the

Irish representatives opposite allow him to ask them if they really were impartial? No doubt they would say they were impartial in that House; but in another place they would not hesitate to tell him they were not impartial. It was said they had a definite policy; if so, he should like to hear it. He hoped they would come boldly forward with it. Strange reports were abroad. He had been told that some magnificent promises had been made to the Irish Members by the right hon. Gentleman the Member for Buckinghamshire. He was desirous to know what these promises really were—what were the terms upon which he was asked to refuse his assent to a proposition that appeared to him sound and just. He confessed to a little anxiety on this point, for he could lay no claim to the sublime indifference—the Olympian placidity—of the hon. Member for Dungarvon (Mr. Maguire). He could not believe that any man interested in the welfare of Ireland could be indifferent to the composition of the British Government. He was quite certain that the people of Ireland were not indifferent on that subject. It was true there might be good reasons for preferring the late to the present Government; but if such reasons did exist, why were they not stated? Before listening to the syren voice of the right hon. Member for Buckinghamshire, he would ask what guarantee he should have for the interests and the honour of Ireland, not with regard to financial questions merely, but also with reference to considerations of higher and weightier importance; and if he should not obtain a clear, explicit, and satisfactory answer, he would decline to enter into the alliance to which they invited him. It had been asked by several Irish Members if the income tax should be introduced into Ireland, what security had they for getting rid of it in 1860? But, even with this uncertainty, he was willing to accept it, for he could show that up to 1860 they would get a strict money equivalent for the tax; and, he believed, that if they were to refuse the arrangement now offered to them, they could not resist the imposition of the income tax at the end of that period; and, what was more, he did not think they would escape it in the meantime. He claimed justice for Ireland, and he believed the surest way of obtaining it would be by satisfying the people of England that he neither asked nor desired more.

Mr. GROGAN should say that the proposition of the right hon. Gentleman the Chancellor of the Exchequer to extend the operation of the income tax to seven years, was one never equalled by any Minister. He did not agree with the hon. Gentleman who last addressed the Committee, that the constituencies of Ireland should be overlooked in the consideration of this matter, and he had no doubt that the result of this division would show what their feeling was. He, for one, should consult the wishes and feelings of the inhabitants of Dublin; and he believed the constituencies of Ireland in general would demur to the imposition of this income tax. He was not going to follow the hon. Gentleman (Mr. Ball) through all his statements and figures at that hour of the night. But according to the statement of the Chancellor of the Exchequer, as reported in the *Times*, which was believed to be rather accurate, at least on the present question, the right hon. Gentleman had estimated the produce of the income tax in Ireland at 460,000*l.*, and that of the spirit duties at 198,000*l.*, making a total of 658,000*l.*; and in return for this Ireland was to be relieved of the consolidated annuities, amounting to 225,000*l.* a year, which would leave in favour of the Imperial Exchequer a balance of 413,000*l.* The remission of the consolidated annuities under present circumstances could not be regarded as a very great stretch of generosity. The House of Lords had passed resolutions of a strong character against the injustice of enforcing the payment of those consolidated annuities. They had heard a great deal about destitution in Ireland, and "Imperial visitation," and all that. It was now admitted that the affliction with which Ireland had been visited was an "Imperial visitation," simply with the view of enabling the present Government to impose Imperial burdens. But when that same Government was appealed to for relief at the time of the "Imperial visitation," they gave it, no doubt, but with the consideration of a 6*d.* rate in aid, which was indiscriminately imposed on those parts of Ireland that suffered least, for the benefit of those which had suffered most. What security was there that even the income tax would expire in seven years? They all knew the meaning of these pledges. When it was introduced originally it was stated to be necessary for a period of only three years. But it was renewed; and here they were now after ten or eleven years with a request made them to submit to it for seven years longer. He knew how the Irish constituencies felt on the subject, and, therefore, he could not allow the House to think for a single moment that the hon. Gentleman who last addressed them (Mr. Ball) spoke the sentiments of the Irish Members in reference to this Budget.

Mr. COBDEN moved the adjournment of the debate.

House resumed.

Committee report progress.

The House adjourned at half-after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, April 26, 1853.

Minutes.] *Took the Oaths.* — Several Lords.

REGISTRATION OF ASSURANCES BILL.

The LORD CHANCELLOR said, that this Bill had been referred to a Select Committee, which had gone through it very attentively, and had made some few alterations in it which appeared expedient to them. He apprehended no objection would be made to its now passing through Committee.

Lord St. LEONARDS did not intend to oppose the adoption of the alterations which had been made, although his objections to the Bill were in no respect removed.

After a short conversation, in which Lord Campbell and Lord St. Leonards joined,

House in Committee.

Amendments made; the report thereof to be received on Thursday next.

THE AUSTRALIAN PACKET SERVICE.

Lord WHARNCLIFFE wished to ask the noble Lord the Postmaster General (Viscount Canning) whether any and what arrangements had been made for carrying on the postal service between this country and Australia, in consequence of the dissolution of the contract with the Australian Royal Mail Packet Company? In consequence of the termination of the contract with the Australian Royal Mail Packet Company, it appeared that there did not now exist any postal arrangement between Great Britain and the Australian Colonies. This was a point of considerable importance, not less than the solution of the question which presented itself as to the best mode of establishing a different system for securing the efficient discharge of the duties of the public service. Since the report of the Select Committee in 1851 great changes had taken place in the requirements of the public service; and it was desirable, therefore, to know what course the Government intended to take in the present state of the postal service between this country and the Australian Colonies?

Viscount CANNING said, that he thought the noble Lord had overstated the deficiency of the communication that existed with Australia in consequence of the termination of the contract with the Australian Royal Mail Company; and indeed his noble Friend subsequently stated—what was perfect correct—that there was an alternate monthly communication already secured by means of the overland mail branching off to Singapore. That communication was undisturbed by the dissolution of the contract with the Australian Mail Company, and, inasmuch as it was carried on by the Peninsular and Oriental Steam Packet Company, he had no reason to believe that there was any likelihood of a failure in the contract. The route, moreover, was the shortest that at present existed. In regard to another alternate monthly communication in consequence of the failure of the Australian Mail Company, he must be allowed to remind their Lordships that upon the accession of the present Government to office, they found, as was stated a few nights ago in his speech by the Chancellor of the Exchequer, that the engagements to which the revenue of this country was liable for carrying on the mail packet service amounted to the large sum of more than 800,000*l.* a year. It needed no argument to show that the sum thus given was, even for the important purpose to which it was applied, enormous. It was true a certain amount—though, he was sorry to say, not so much as they might expect—was returned to the revenue in the shape of postage. But it was not only the amount of this sum that weighed upon the Government. A great majority—indeed all the contracts on which heavy sums were paid—were contracts concluded for terms varying from seven, to nine, ten, or eleven years; and, consequently, unless in the case of some accident, such as had happened with regard to the Australian Company, where there was an entire failure on the part of the contractors to fulfil their engagements, the Government was bound for a great number of years to the payment of these heavy sums. The Government had turned their attention to the circumstance, and lost no time in endeavouring to ascertain whether a course might not be taken that would relieve the revenue from these heavy payments. While these investigations were being proceeded with, the opportunity arising from the failure of the Australian Company occurred, and they thought it their duty to ascertain whether a system more effective and economical might not be adopted to satisfy all the requirements of the country and the Colonies. Having this object in view, the Government thought it would not be consistent with their duty to the public interests to accept any overtures for a long and permanent contract such as that which had just lapsed, and such as still prevailed in other cases. Accordingly, one or two offers having been made on the part of other companies to take up the lapsed service of the Australian Company, they were not accepted by the Government. The course which it was intended to pursue was this: The Government thought that, as in all other matters where shipping and commercial enterprise was concerned, so in the mail packet service, that enterprise might safely be called into action; and with this view it was their intention to issue by advertisement an invitation of tenders for the conveyance of one or more mails in alternate months from this country to the Australian Colonies. It was the intention of the Government themselves to prescribe the price which they were ready to pay for this service, and the only matter for competition which would be presented to the commercial and shipping firms who were invited to enter into the engagement, would be the limit of time within which the service was to be performed. It was the intention of the Government to tie up those who engaged in this service with as few stipulations as possible—none, indeed, except such as were requisite to insure the due departure of the ships, and the safe conveyance of the mails. Subject to these conditions, the shipowners who would undertake to perform the voyage in the shortest time, would receive the contract from the Government. Whether the Government would be induced to enter into a contract for more than one month, or for more than two or three voyages, would depend on the nature of the tenders which they received; but in no circumstances would the Government consent to enter into any long continuous engagement for a term of years, saddling the revenue with a payment of such heavy sums as were now paid under the present complex system of contracts. No doubt this, to a certain degree, would be an experiment; and though he was pretty sanguine of success, yet it was still possible that the terms the Government thought it their duty to offer might not be such as the shipping interest would accept. But if they should not, he feared no inconvenience from that circumstance, either to the mother country or the Australian Colonies, because the intercourse between this country and Australia had grown so rapidly and extensively during the last few months that, even if the Government were obliged to rely on the Act of Parliament which enabled them to employ any vessel sailing from this country as the medium of conveying ship letters, there would scarcely be any inconvenience or delay whatever. In the course of three months the number of vessels that had left English ports for Australia amounted to 70 a month, and many of these vessels were calculated to perform the voyage at a greater rate of speed than had hitherto been attained by steamers; therefore, if the worst should arise, and if the experiment the Government was about to make with the view of diminishing the pressure of these heavy charges should not be successful, there need be no fear on the part of his noble Friend that any serious inconvenience would be entailed either on this country or on the Colonies of Australia.

The Earl of HARDWICKE expressed his gratification at the statement he had just heard. He wished, however, to remind the House that the contracts which had been made by the Board of Admiralty for this service were made with a view that the vessels should be of such a scale as to enable them to carry armaments, in order that they might be ready for all contingencies. This induced a larger demand being made by the owners of those vessels. But it turned out, notwithstanding, that in no instance had the owners of these vessels made any preparation for arming them, and indeed these vessels had been found unfit in this as in other respects; and the contractors had, therefore, totally failed in the performance of their duty. Now he did not consider it was at all necessary for the Government to take into their consideration the question of armaments; for those vessels destined for the conveyance of mails, need not, in his opinion, be armed at all, as their great object would be to escape from all hostile engagements when occupied in such service. These vessels should be built for speed and safety, and that consideration alone should determine their fitness for the mail service. The necessity also for extending the contracts over a long period was productive of ill effects; for if there were a fair competition amongst the shipping interest, these vessels would, no doubt, be obtained at a much cheaper rate than they had paid heretofore. He found during the time he was in office that there was a great anxiety on the part of that interest generally to be engaged in this line of the public service. As the case now stood, he did not think that there could be any difficulty in making arrangements for the future, for in all the contracts entered into by the Government there was a provision, that upon the payment of a certain fine, the contract might be put an end to. He considered that it would be advisable for the benefit of the public to close those contracts by the payment of the fines, which could not amount to a very large sum—probably not more than 250,000*l.*, and which would enable the Government to make much better arrangements at a reduced cost to the country for the conveyance of the mails.

EARL GREY said, he looked upon this as a subject of great importance, and they were certainly obliged to his noble Friend for having brought it under the consideration of the House. No doubt there were good reasons for the experiment which the Government proposed to try, and he did did not think it at all unlikely that such an experiment might succeed. He could not avoid reminding the House, however, that when these contracts were first entered into a plan of this kind would not have answered, because until the present enormous intercourse between the mother country and the Australian colonies had sprung up, such a plan would not have been remunerative, and as regards most of our colonies, it would not answer at the present moment; consequently the service, in order to be effectually and economically performed, required that the contract should be entered into by some individuals or company, who could take it for a considerable period, and who could make arrangements for coaling, and otherwise rendering the whole service effective in consideration of the length of term. He had always been opinion that all successive Governments had made a mistake in not reducing the cost of sending letters to the colonies. They charged a very high price for letters, and thereby reduced the number that were sent. A charge of 1*s.* on a letter was nearly prohibitory, except on rare occasions, to the labouring classes. The expense of sending letters was not proportioned to their number or to their bulk; a single letter would cost very nearly the same as a large number. If the charge was reduced to a penny for a half-ounce letter, as in this country, a much larger number would be sent, and a better return made to the revenue. Assuming that a penny was charged on every half-ounce letter, a ton of such letters would produce 300*l.* If they must carry on a very costly service by sending ships on such distant voyages, they should take care that such an increase of letters was sent as would produce a considerable sum in the way of postage, and this could be best effected by such a reduction as he had suggested. Though there might be a loss of money in the first instance by this reduction in the price of letters to the colony, and he would add, to all parts of the world, he was satisfied that it would be found the most economical course in the end.

VISCOUNT CANNING wished to correct a misapprehension of the noble Earl (the Earl of Hardwicke). He had reason to believe that the contracts entered into with the Government by no means gave them the power, by the payment of a certain amount of fine, to release themselves from them. He had taken the opinion of the law officers upon the point, and that opinion was, that the meaning of the clause imposing a fine was, that in case of any unforeseen accident which disabled the contractors from carrying out their engagements, it might then be in the power of the Government to impose such a fine, and to annul the contract; but it did not empower the Government at their own pleasure to release themselves from the obligations they incurred under the contract by merely paying the amount of the fine. In regard to the suggestion of the noble Earl (Earl Grey) for the reduction of the postage of letters to our Australian colonies, he must remind him that the success of the 1*d.* postage in the United Kingdom was not only owing to the vast increase in the number of letters, but also in the increase of the opportunities for despatching them. The increase of those opportunities, however, was a very serious question when they were considering our mail communications with Australia.

Earl TALBOT wished to ask the noble Viscount whether any particular route was to be adopted with regard to the mail ships; and whether any reduction was likely to be made in the rates of postage between this country and France?

Viscount CANNING said, it was not the intention of the Government, in calling for tenders for the conveyance of the mails to Australia, to confine the contracting parties to one particular route. In reference to the cost of the postage of letters to France, he had to inform the noble Earl that a proposition had been made to the French Government on the subject, but as yet no answer had been received. The Government of this country were ready to accede to a reduction in the postage of those letters, if the French Government were willing to assent to the proposition made.

NAVIGATION—LIEUT. MAURY'S PLAN.

Lord WROTTESLEY:* My Lords, I hope I shall be excused for bringing under your notice a scheme for improving the Art of Navigation, which, if properly and systematically carried into effect, cannot fail to confer important benefits on the trade and commerce of the country, and that at a cost which will be quite insignificant in comparison with the advantages which are sure to be realised. It will also add to our stock of scientific data in the departments of hydrography and meteorology, to an extent which it is hardly possible to over-estimate.

The United States Government having sanctioned the adoption of the plan in their own country, and being fully sensible of its value, and that in order to its effecting all the good that it was capable of producing, it required to be extended, invited the co-operation of the principal maritime nations for that purpose, and particularly that of this country. The proposition having been made to our Government, was by them referred to the Royal Society for a report upon its merits; that learned Society in their report, dated in the spring of last year, speak of it in the highest terms of approval, and earnestly recommend its adoption.

But not only has the scheme received that sanction, but another scientific body, of comparatively modern origin, but which is yearly, as I think, rising in public estimation—I mean the British Association for the Advancement of Science—has through its Council passed a resolution, which shows the high opinion they entertain of its merits.

Of the British Association I trust I need say no more, to show the value of its recommendation, and the earnestness of its zeal, than simply that it has raised for scientific purposes, since its first establishment in September, 1831, no less a sum than 41,204*l.*, of which the greatest part has been expended in the preparation of most valuable reports on special branches of science, on various interesting experiments, and in defraying the expenses of costly publications of very great merit.

Of the claims of the Royal Society to the consideration of your Lordships, I think I need hardly speak.

In advocating this project, I may therefore be said to represent the opinions of both these learned bodies; and I think I should hardly venture to bring any matter of this kind under the notice of your Lordships, that had not received their joint approval.

Now it is true that the scheme in question has not yet been adopted; it was not entertained by the late Government; it has not yet been adopted by the present; but I am sure that such of your Lordships as have read the printed correspondence, will not be disposed to come to any conclusion to its prejudice founded on that perusal: and it does, I own, seem to me a little strange, that a project which is simple in its nature, and easily comprehended, and moreover one, the importance of which it is not very difficult for any one possessed of ordinary acuteness to recognise at a glance, should have been bandied about for fourteen months, from one department to another; and that at the termination of this period it should not appear either to be nearer fulfilment, or better comprehended, than at its commencement. I would not by any means be understood to impute blame to any of the authors of the correspondence; on the contrary, many of them express an interest in the scheme, and a desire to see it adopted; but there must needs be something defective in a system, under which such unnecessary delays and so many appeals to different authorities are permitted to arise.

The late Government has some substantial claims to the gratitude of men of science, which I should be sorry to ignore; and the printed papers show that the plan that I am about to have the honour to explain, was favourably considered by some of its most influential members; the resolution, however, of the late Board of Admiralty communicated by their letter of the 17th of July last, "not to form any separate establishment for the purpose of recording the observations," prefaced as it is by a declaration that they are not yet in a position to give consideration to the subject, seems fairly open to criticism, if it be fair to criticise the hasty productions of men occupied with the cares of office. I trust that deciding on the most important feature of a plan, before the plan itself has been considered, is a course not often adopted.

From the present Government, comprising among its members many who, I know, may be truly designated as sincere friends of science, I should expect that the scheme in question would meet with a most favourable reception. There is one circumstance only which creates a misgiving on the subject; and this is a step which has lately been taken by the right hon. Baronet at the head of the Admiralty, who has ordered home ships employed on the maritime survey of the British coasts, and suspended those surveys. It is calculated that about 15,000*l.* yearly will be saved, as it is called, by this measure; but so far as I have had any opportunity of hearing the opinions of competent persons, there seems to be a general feeling of regret that the Government should have decided on crippling an important scientific department of the naval service of the country, and that upon grounds which, upon inquiry from the best authority, I find to be wholly untenable.

I trust that proper investigations will be instituted into this subject, and that the result will be the renewal of these surveys; and, above all, I hope that I shall receive an assurance that the scheme I am about to have the honour to state to your Lordships, will be taken into consideration with a view to its adoption.

It may be, my Lords, that in describing it with that detail which is necessary in order to enable your Lordships to form an accurate opinion of its merits, I may have to direct your attention to matters which do not often, if ever, form subjects for discussion here; but of their importance, no one can doubt, who reflects on the influence which the improvement of navigation has exerted on the general civilisation of mankind during the three last centuries, and who remembers that an object which every one must have deeply at heart is materially advanced by it: I mean the safety of the hardy mariner, to whose adventurous toils we owe these and other benefits.

My Lords, I hope I shall not be accused of presumption in undertaking the task I am about to perform: I was unwilling to discharge it; it was rather pressed upon me, and circumstances which are known to some of your Lordships almost made it impossible to decline it: but nothing could be more distasteful to my feelings, than to be thought to have attempted anything inconsistent with the very humble position which I occupy in your Lordships' House. Besides, I am well aware, that many noble Lords whom I have the honour of addressing, are far more conversant with many of the matters to which I am about to refer than I am; if therefore I allude to them, it is for the purpose of illustration only, and not because I am vain enough to imagine that I am imparting information.

Still, however novel the subject matter, and however feeble my advocacy, I am not without hope that your Lordships will be willing occasionally to turn aside from discussions such as those in which we have of late been unhappily engaged, and by which angry passions are excited, to contemplate schemes in which civilised nations are invited to unite in harmonious action to promote the common welfare of our common race.

My Lords, I now proceed to describe the plan to which I have already so frequently referred.

It was in 1842 that Lieut. Maury, the superintendent of the National Observatory at Washington in the United States, conceived the idea of requiring all the masters of American vessels to keep their logbooks in an improved form, so as to exhibit, in addition to the ordinary information, records of all phenomena that could be rendered available for the improvement of hydrography and navigation, and generally in the promotion of science; and of employing the materials so recorded in constructing improved charts, to be engraved at the expense of Government, and distributed free of cost to those who supplied the data for their construction, that is, to the captains who sent to him the abstract logs, as he terms them. Lieut. Maury applied to the United States Hydrographer, who entered warmly into the scheme, and circulars were addressed by the latter to all masters of vessels, which were placed in the hands of the collectors of Customs, who had instructions to give a copy to every captain at the time of clearance.

For some time this measure produced no fruit; but Lieutenant Maury persevered, and having obtained several old log-books from the Navy, and diligently studied and collated them, he discovered, and in the year 1848 announced his discovery to the public, of a shorter route to Rio. The barque *Wright* of Baltimore was the first to try the new route; it succeeded—she reached the line in twenty-four days (the usual time being forty-one, and the average is now nineteen), and from that time the whole affair assumed a new aspect—abstract logs flowed in in abundance, and now more than 1,000 masters of vessels are engaged night and day in making and recording the observations required from them; their logs are carried to the Observatory, where the information they contain is collated and entered on charts, and the results to the latest period are published in a book called *Maury's Sailing Directions*, dated November, 1851, which now lies by me.

It may surprise your Lordships that I should mention the name of the first vessel that took the new route; but I would honour the pioneers of science even in a humble walk of life; and those of your Lordships who know how difficult it is to prevail upon any one, either on land or at sea, to forsake an old and well-known track, even for a new and better one, will appreciate my respect for the Baltimore mariner.

The event of this voyage might seem to some a mere accident; but the Americans are a shrewd race: they examined the methods employed, they saw the *rationale* of the suggestions made, they were at once convinced, and, to use Lieutenant Maury's words, "Navigators now appeared for the first time to comprehend clearly what it was I wanted them to do, and why." The reason of the superiority of the new route is this: by the old route, vessels went out of their way 700 miles to the east, instead of sailing nearly as the crow flies (which Maury showed to be practicable), and they did this to avert a fancied danger, which turns out to be a mere bugbear, namely, a current setting on Cape St. Roque, in South America; and besides the great increase of the distance, vessels by taking this course involved themselves in the belt of equatorial calms at the point where it is broadest. As fresh materials were supplied, new and improved charts were made, and some of the most important routes were shortened in a similar way; the route to Rio is now shorter by fourteen days, and that to California has been reduced from 180 to 100 days, nearly one-third. It seems however that the faith of navigators is liable to give way at the critical moment of trial; having adopted the new route up to a certain point, they find their hearts fail them, when they reach the belt of equatorial calms, and go fanning and flapping away to the eastward, whereby they only increase their troubles, and pay for their backsliding by several days spent in that ocean purgatory, the equatorial doldrums, as Maury calls it.

It is time that I should now explain how these charts are constructed, and routes discovered. The whole ocean is divided into squares, the sides of which represent 5° of longitude, and 5° of latitude; in the midst of these squares the figure of a compass is drawn, with lines representing sixteen of the compass points, the intermediate points being omitted; the log-books are then searched for observations of the directions of winds and of the proportion of calms in each of these squares; in the centre of each compass so drawn are placed two numbers, one representing the total number of observations obtained in the square, the other the percentage of calm days. By the side of each of the lines representing the sixteen points of the compass, are written numbers, which denote the percentage of the winds that have been found to blow from that quarter, and at the extremity of each line are numbers, which show the percentage of miles a ship will lose if she attempt to sail 100 miles through that particular square in the particular direction indicated by the line in question. Now that number is obtained as follows.

By the resolution of simple problems in sailing, it is known that if the wind will not allow a ship to lie within six points of her course, that is, if it be a head wind, she will lose sixty-two miles (omitting fractions) in every 100 that she sails, or in other words after sailing 100, she will only have made thirty-eight good in the wished for direction; in like manner if she can sail within four points she loses twenty-nine miles, and if within two points, only eight; having therefore the percentage of winds that will make such deviation from the desired course necessary, it is easy by a common proportion to calculate the total amount of space lost, or detour (as Maury calls it), for every given direction, for every 100 miles sailed within the square. When a course has to be traced, therefore, all the squares are carefully examined, and by a very laborious system of trial and error, the combination of squares is found, which gives the route most likely to succeed by ascertaining those through which the loss is a minimum. I say most likely, for of course this is only a problem of chances, and the event may be adverse, as in the case of insurances, but is less likely to be so, as observations are multiplied. I should explain that in performing this process, currents and calms are taken into account, and that there are separate compasses drawn, and separate routes traced for each of the twelve months of the year; for though the winds are assumed to be so far constant for individual months as to give an average on which some reliance may be placed, when the number of observations is sufficiently large, this is by no means the case throughout the whole year. When the twelve compasses have been delineated and filled up, they are combined by a peculiar and neat arrangement of the numbers within concentric circles, into one, and a chart of the ocean, containing these combinations, is termed a pilot chart,

Lieutenant Maury is anxious to obtain at least 100 observations per month in each square, which will be more than a million and a half for the whole ocean, and a less number seems certainly not sufficient to give a result in which confidence can be placed. As might be expected, in some squares he has obtained a great many more than this, and in some none at all; in the square, for example, which adjoins New York, he has obtained 4,387 observations; but there is a large space of ocean seldom traversed by ships—that, for example, between the southern extremities of Africa and America, in which the squares are all blank. Now, my Lords, I think those blank squares are a reproach to the civilisation of the present age; and I say so on this principle, that it is our duty not to rest satisfied till we know all that can be known about the globe we inhabit, that can be rendered in any way profitable to our common species; and therefore I think that the principal maritime nations should share the labour of exploring these vacant spaces, for no doubt shorter routes might be discovered through them, and other matters ascertained, to which I shall presently allude. However, it is no part of Lieutenant Maury's plan, as such, to send out surveying expeditions.

Now, your Lordships will of course understand that other things besides the directions of the winds are contained in these log-books, and these, matters not contained in ordinary records of this kind; but I thought it better to keep that division quite distinct, as it is the winds that form the chief guide in devising the new course. Hydrography is of two kinds—that which consists in accurate surveys of harbours and coasts, which may be called more properly "maritime surveying," and that which consists in recording all the phenomena of a scientific character which are observed at sea, in what sailors call "the blue water," that is, out of ordinary soundings; among these the most important, exclusive of astronomical and meteorological observations, properly so called, are the force and set of currents, and the temperature and depth of the water; the American masters are instructed to immerse a thermometer in the water, and take the temperature of the ocean at least once a day, and to examine, as often as convenient, the force and set of currents, and also to try for deep sea soundings.

If I were not afraid of wearying your Lordships, I should wish to give you illustrations of three kinds of currents: 1st. Those which are remarkable from their physical peculiarities; 2nd. Those distinguished by the vast surface of water which they set in motion; and, 3rd. Those which are remarkable from their juxtaposition with others flowing in a directly contrary direction, Of the first class, the Florida Gulf Stream is the best type. It is certainly one of the most extraordinary of all the phenomena of the ocean. There is a story told in Lieutenant Maury's book, in which there undoubtedly is a certain amount of exaggeration, but there is also a great deal of truth; and this, with another to which I shall presently allude, illustrates so well the value of the kind of observations to which I wish to direct your attention, that I shall make no apology for introducing them to your Lordships' notice. The first might be entitled "How Dr. Franklin, by dipping a thermometer into the sea, made New York a flourishing city, and ruined the trade of Charleston, in Carolina." This sounds sufficiently marvellous, but the story is this:—When Dr. Franklin was in England, the merchants of Providence, Rhode Island, petitioned the Lords of the Treasury (it was before the recognition of Independence), that the Government packets that usually sailed from Falmouth to Boston, United States, might in future sail from London to Providence; and they supported the prayer of their petition by the allegation that the average passage from London to Providence was fourteen days less than that from Falmouth to Boston. Now Falmouth and Boston being between London and Providence, this statement seemed rather startling; and Dr. Franklin, who was always on the alert when his country's interests were at stake, hearing of it, sent for Captain Folger, an old New England Whaler, who happened also to be in London at the time. The old Captain immediately accounted for the fact that had puzzled the Doctor. "The London packets," said he, "are commanded by New England masters, who know something about the Gulf Stream; the Falmouth, by Englishmen who know nothing about the matter." This hint was enough for Dr. Franklin. He had either previously or subsequently taken the temperature of the Gulf Stream, and had found it considerably higher than the surrounding ocean; dipping a thermometer into the sea, therefore, showed when you entered it and left it. He and the old Captain laid down its limits according to the best of the existing information on the charts, and the result was a complete change in the course taken by vessels trading between England and America, which I will, with your Lordships' permission, shortly explain. These were early times in navigation; lunar observations were seldom made, and chronometers rarely employed. As the masters of ships depended on dead reckoning only for finding their longitude, they were often led astray by currents, and therefore gladly embraced any mode of proceeding, which rendered the determination of longitude less necessary. Thus the practice became common of what was called running down the latitude; ships bound from England to New York ran down from 51° N. latitude to the Cape Verde Islands in latitude 16° N., they then ran across the Atlantic on a parallel, that is, steering due W., and then they ran up again to the northward from 16° N. to 40° N., thus describing three sides of a quadrilateral figure, instead of one. When taking this devious course, these vessels touched at Charleston, in South Carolina, which then had more trade than all the New England States together. At this stage in the history of transatlantic navigation, Dr. Franklin promulgated his charts; he showed that by his method of taking its temperature, the position of the ship in the Gulf Stream might be ascertained, and thus two advantages were obtained; the thermometer did duty for the sextant, in showing the place of the vessel, and the limits of the stream being traced out by the same instrument, this famous current might be rendered available or avoided, as circumstances rendered it expedient. Thus the masters of vessels were gradually induced to shape a straight course across the Atlantic, and the passage to New York was shortened from 60 to 30 days. Charleston was ruined, and New York became a flourishing city.

"All these results are traceable," says our author, "to the use of the water thermometer at sea." No doubt other causes co-operated, as he admits in a subsequent passage, but the scales of commercial ascendancy were then vibrating between the Northern and Southern States, and then a very little is enough to turn the balance; the anecdote, however, shows what important consequences to human welfare may result from a very trifling application of scientific knowledge to the business of life, and it shows also the value in certain cases of the class of observations to which I refer, namely, the taking the temperature of the sea water; and when we consider that this operation becomes indispensable in parts of the ocean where danger is apprehended from ice islands, which are known to cool the water to the distance of 40 or 50 miles around, and at 25 miles to sink the thermometer 17° or 18°, so that it gives sure warning of their vicinity, and when we consider also that the resolution of some important problems in meteorology may ultimately depend upon possessing a knowledge of the temperature of sea water as compared with that of the superincumbent atmosphere—we cannot but regret that all masters of vessels are not enjoined frequently to make observations of this class: the American captains, in conformity with Lieutenant Maury's instructions, make them regularly once a day.

Currents are a fruitful source of disaster at sea, but they are a kind friend or an insidious foe to the mariner, according as they are known and tabulated or not; and as they are perpetually changing and varying their force and direction, a very long course of persevering and accurate observation becomes necessary to realise the condition of accurate information. Their effect can only be detected by trying their force and set in the ordinary method, or by astronomical observations, and both these means are, by foul weather, often rendered unavailable. Of all currents the most remarkable is the Florida Gulf Stream already alluded to, and yet, to our shame be it spoken, it is still very insufficiently surveyed. It was formerly supposed to be caused by the Mississippi and its confluents; but Major Rennell, the great geographer, combats that opinion, and inclines to the hypothesis that this is only one of the causes, and perhaps a trifling one in comparison with the main cause, which is the vast drift of the Atlantic into the Caribbean Sea and Mexican Gulf caused by the trade winds. Vast bodies of water circulate round the latter gulf, which are joined by the river, and then the whole issue forth into the Atlantic to the north through the Florida Strait, which in one place, between Florida and the Bemini Islands, is only 36 miles wide, at the speed almost of a mill race, being near six miles an hour, where the stream is most rapid; Major Rennell states that an assumed velocity of only 2½ miles per hour, would pour into the Atlantic, every day, 2,000 square miles of water. This enormous mass is met at the north by the Nantucket Shoals, and afterwards by the Newfoundland banks, and turned easterly; in which direction it flows for near 3,000 miles, sometimes extending to Europe, probably always prevailing to some extent even in the vicinity of our own shores; the stream carries with it a peculiar sea weed (*fucus natans*); the same weed is supposed to be generated in beds beneath the ocean. Vast masses of this weed, extending 1,200 miles in length are deposited in a particular part of the Atlantic, which Major Rennell states had not altered their position for forty-three years. In the Florida Passage the Gulf Stream flows uphill, the sounding being 500 fathoms there, only 200 off Cape Hatteras, further north. This astonishing current is always from 8° to 20° warmer than the surrounding ocean, and it imparts its temperature to the superincumbent atmosphere, thus generating fearful storms; but another and very curious purpose appears to be answered by this extraordinary stream: in addition to the benefits which accrue from its transporting, as it were, on its waves a mild and genial climate to the shores of Europe, it acts as a great thawing laboratory for all the ice that comes down into it, in two streams from the inhospitable shores of Baffin's Bay and Greenland. It is possible that the weed may help to arrest the course of these frigid mountains, till they are completely dissolved in nature's furnace, and while their course is so stayed they gradually disappear, and are prevented from intruding on the more genial climes of the south. Surely a current which seems to exercise such an important influence upon navigation and meteorology is worth examination, till all worth knowing is known. Major Rennell, writing about 1820, says of this stream—

> "But nothing less than a great number of observations of every kind, and those made through many seasons, in order to embrace all the varieties of cases, can enable the most diligent inquirer to make himself master of the whole subject; and this can be the work of Government only; for individual inquiry can produce little more than unconnected facts."

The Americans are doing their part: the director of their great coast survey, Dr. Bache (who happens to be a grandson of the great Franklin), has made several observations on that part of the stream near the coast of the United States, and he asks for English co-operation.

Of the second class of currents, the indraught into the Mediterranean from the Atlantic, produced by the evaporation from that internal sea, which is 5° warmer than the adjacent ocean, is a good example. Major Rennell observes, "few persons are aware over what an extent of space such an indraught as this is felt." It is well known that this continuous impouring into this great inland sea puts the whole surface of the water in motion, in a semicircle of more than 400 miles radius, of which semicircle the Straits of Gibraltar are the centre; the motion of the water is felt as far as the Canaries to the south, and Cape Finisterre to the north. This current has been the cause of some lamentable wrecks; for example, of that of the *Medusa*, which was succeeded by so many revolting horrors, and of that of the *Lichfield*, a frigate, during the last war. Major Rennell records cases of one ship being set in five days 297 miles out of her course—and of another, between Cape Verde Islands and the Cape, 570 miles to the west of her course—by currents. Again, as an example, under the third head above mentioned, on the coast of Guinea there are two remarkable currents which run side by side for more than 1,000 miles, the one setting to east, the other to west. Now, conceive a ship, laden with slaves, condemned as a prize, and bound to a port for adjudication, the lives of all these wretched beings might be sacrificed by persevering in sailing in the adverse current, through ignorance, while the favourable one ran only a few yards to the south.

I have mentioned that the American masters are also enjoined to take deep sea soundings, whenever favourable opportunities present themselves; and this is undoubtedly an important class of observations, for the peculiar conformation of the bed of the ocean may exercise an important influence on its movements and other phenomena. The captains are furnished with reels and lines of a peculiar construction for this purpose, and they have sounded and obtained no bottom at six and a half miles; but this is quite eclipsed by a recent sounding by Captain Denham, under circumstances which leave little doubt of its accuracy: he sounded and found bottom at eight and three-quarter miles, in latitude 36° 49′ south, and longitude 37° 6′ west. However, I have pleasure in adding that this interesting result is in a great measure due to the author of the scheme under discussion, for Captain Denham used a reel and line borrowed from an American, and doubtless, therefore, prepared in conformity with Lieut. Maury's general instructions.

The other strange story which throws great light on the value of these inquiries is the following: it relates to the probable course of the winds. It was known that the S.E. and N.E. trades, after blowing from the tropics into the equatorial belt of calms, rose into the higher regions of the air, and returned; but do they return in a contrary direction and form the same winds again, or do they continue their respective north and south direction till they reach the poles, finally returning from thence? The philosopher speculating on this question might wish to set a mark upon the fleeting wind, as your Lordships would mark a bird of passage to ascertain whether it returns to the same spot again; but it would appear that this is as unnecessary as it is impossible: nature has interfered, as it were by a scientific miracle, to reward the patient inquirer after truth. Now a kind of red dust is sometimes seen off the African coast and in the Mediterranean, deposited by the Sirocco winds; a great quantity of this dust fell at Lyons on the 17th of October 1846; the red dust was sent to the great naturalist Ehrenberg to analyse; it proved to be dead and living organisms, that is, microscopic animals from the valleys of the Orinoco and Amazon in South America; thus seeming to render it highly probable, that the S.E. trades rise aloft at the equator, travel N. above the N.E. trades, descend at the tropics, and then form the normal wind of the temperate zone, or S.W. wind, and that the N.E. trade performs the same evolution, in the Southern hemisphere in an opposite direction.

Upon the whole Lieutenant Maury's work contains a notice of sixteen actual discoveries and of twelve probable discoveries in hydrography and meteorological science —a tolerably rich harvest of three years' growth. However, your Lordships must not, perhaps, consider either that the one or the other have yet taken their rank as established facts in science. I will read from the Report of the Royal Society the terms in which that learned body speaks of them:—

> "Short as is the time that this system has been in operation, the results to which it has led have proved of very great importance to the interests of navigation and commerce. The routes to many of the most frequented ports in different parts of the globe have been materially shortened—that to St. Francisco in California by nearly one-third: a system of southwardly monsoons in the equatorial regions of the Atlantic and on the west coast of America has been discovered; a vibratory motion of the trade-wind zones, and with their belts of calms and their limits for every month of the year, has been determined: the course, bifurcations, limits, and other phenomena of the great gulf stream have been more accurately defined; and the existence of almost equally remarkable systems of currents in the Indian Ocean, on the coast of China, and on the North-western coast of America and elsewhere, has been ascertained. There are, in fact, very few departments of the science of meteorology and hydrography which have not received very valuable additions; whilst the more accurate determination of the parts of the Pacific Ocean, where the sperm whale is found (which are very limited in extent), as well as the limits of the range of those of other species, has contributed very materially to the success of the American whale fishery, one of the most extensive and productive of all their fields of enterprise and industry."

Lieutenant Maury is enthusiastic in the cause; he sees the benefits that must arise from the extension of this system of observation, and he invites the co-operation of all maritime nations; but to which does he look with the most longing eyes and the best hopes of success? Of course to the nation of whom the poets sings—

> "Their path is on the mountain wave,
> Their home is on the deep."

To his brethren at this side of the Atlantic.

What do the Royal Society say on this point?

"But it is to the Government of this country that the demand for co-operation, and for the interchange of observations, is most earnestly addressed by the Government of the United States; and the President and Council of the Royal Society express their hope that it will not be addressed in vain. We possess in our ships of war, in our packet service, and in our vast commercial navy, better means of making such observations, and a greater interest in the results to which they lead, than any other nation. For this purpose, every ship which is under the control of the Admiralty should be furnished with instruments properly constructed and compared, and with proper instructions for using them: similar instructions for making and recording observations, as far as their means will allow, should be sent to every ship that sails, with a request that the results of them be transmitted to the Hydrographer's Office of the Admiralty, where an adequate staff of officers or others should be provided for their prompt examination, and the publication of the improved charts and sailing directions to which they would lead; above all, it seems desirable to establish a prompt communication with the Hydrographer's Office of the United States, so that the united labours of the two greatest naval and commercial nations of the world may be combined, with the least practical delay, in promoting the interests of navigation."

However, the Dutch have in this instance been beforehand with us; they have already adopted Maury's plan. The expenses will be really trifling in comparison to the great results to be obtained. Some thermometers must be bought and supplied to ships, and officers must be placed in charge of a separate department of hydrography, whose constant duty it will be to collate all the materials sent in, and construct new charts, and that department must be placed in communication with the hydrographical department of the United States. But, if I do not take too sanguine a view of the matter, it really seems to me that this expenditure will bear an almost indefinitely small ratio to the benefits likely to be realised to navigation alone. But this is a small part of the total amount of advantages—the benefits that are likely to flow from having a numerous host of observers making meteorological observations continually night and day, over all the parts of the globe covered with water, which are nearly three-fourths of its surface, and which before supplied no materials to the common stock of science, can scarcely be over-estimated. There is no subject which is more perplexing than the science of the weather; the phenomena are so various and so complex that at one time philosophers despaired of eliminating any general laws; but the prospect is now brighter, a vast step has been made by the invention of self-registering instruments, the beautiful applications of electricity to that object, and by the establishment of numerous magnetic observatories, at all of which meteorological observations are made; but the sea may be described as the spot on which all the phenomena are in their most regular and normal state, uninterrupted by casual causes, such as unduly heated surfaces, mountain ranges, and so forth. "The sea," says Maury, "is the field for observing the operations of the general laws which govern the circulation of the atmosphere; observations on land enable us to discover the exceptions, but from the sea we get the rule." Thus the addition of near three-fourths of the globe to the field of meteorological observation, and that three-fourths covered by water, will be an accession to science of great importance.

I cannot take leave of this scheme without paying the tribute which is justly due to our Transatlantic brethren, not only for originating this most commendable object, by which they have conferred an immense boon on science, but also for the characteristic vigour and energy with which they have of late years applied themselves to science: they were very late in the field, but they seem determined to make up for lost time. They have several observatories, two of which are well supplied with instruments, and some valuable discoveries have been made; among others, the new dark ring of Saturn; moreover, the application of electricity to the making of astronomical observations, which is about to be introduced at Greenwich, is entirely an American invention—though in justice to our ingenious countryman, Professor Wheatstone, I should add that his inventions had previously removed most of the difficulties which obstructed that application.

Now, your Lordships will perceive that the scheme under discussion involves two distinct benefits of great importance and value: 1st. The improvement of navigation, from which commercial advantages may speedily result, as is shown by the American example; and, 2ndly. An addition to our stock of meteorological data. This accession to our knowledge may not bear fruit for ages; but this is the case with a large proportion of the labours of science: centuries often elapse between the seed time and the gathering in of the intellectual harvest, and men are apt to underrate the merit of investigations, the commercial value of which is so slowly realised; they wait to admire until these labours are, so to speak, utilised in industrial products; they wait to admire till the small stream of science; flowing at first unnoticed and almost unknown, expands into the broad ocean of knowledge, and helps to carry to their destined ports the argosies of wealthy nations.

The man who would laugh to scorn the philosopher experimenting on the leg of a dead frog would stand amazed in silent admiration before the wonderful performances of the electric telegraph; yet the connexion between the one and the other is known to every tyro in science. Who could have foreseen that Worcester's rude experiment on the expansion of the vapour of water, contained the germ of that great invention—the steam engine? These are instances in which the rude ore was slowly worked into the finished manufacture; but there are cases in which discoveries, which seemed likely to continue long unfruitful, have been suddenly and unexpectedly applied to the arts. Thus, about forty-five years ago, a gentleman was surveying through a particular kind of prism, the light of the setting sun reflected from the windows of the palace of the Luxembourg; this led to the discovery of a property of light, which gave a new character to the science of optics. Light was observed to undergo certain modifications on being transmitted through or reflected from certain substances; to these changes the name of "polarization" was given; many interesting experiments were made, beautiful colours and tints exhibited, men cried out, How pretty! but what is the use?

Now, your Lordships will be surprised to hear that this property of light has been lately employed by the French in the manufacture of beet-root sugar. In general, however, the philosopher works for a posterity whose great-grandfathers are unborn.

Suppose that a contemporary of Newton, one of those courtiers, for example, who figure in that remarkable and not very creditable scene so graphically described by Evelyn, and alluded to by our great modern historian, which was enacted not many yards from hence on Sunday, 1st of February, 1685—a few days before (as Evelyn phrases it in the quaint and simple language of antiquity) a few days before "all was in dust," that is, before the King died—when the monarch toyed, the French minstrel sung, and the courtiers played at basset with more than 2,000*l*. on the table before them. Suppose, I say, that one of those gambling courtiers had visited Newton, then engaged in putting the last hand to his immortal work, and seeing his mathematical diagrams and notation on the table, had asked him, "What was the use of all that?" Newton might have contrasted his mode of employing his intellectual gifts with that of his interrogator; but having been reared in an English University he was probably too good a courtier himself to make so odious a comparison: he would have answered, therefore, "I am laying the foundation of a mighty temple, and I hope that posterity will rear upon it a superstructure worthy of the base from whence the temple is to spring;"—and nobly has posterity performed its task. Not to mention a thousand applications of a calculus founded on principles analogous to those expounded by Newton to the mixed mathematics from which Art has derived such important benefits; to advert to the departments of Nautical and Physical Astronomy only, which are more germane to our present subject, in the former we have the solar, lunar, and planetary tables rendered perfect for all purposes of navigation; and as to the latter, it is only necessary to remind your Lordships of what occurred in 1846, when two mathematicians, the one French and the other English, almost simultaneously computed by independent methods the place of an entirely unknown planet from its effects upon another one, and that so accurately that it was found at Berlin almost as soon as searched for. But it does indeed require considerable advancement in mathematical lore to appreciate as it deserves this stupendous triumph of human intellect and skill.

Suppose, again, that some one at the present day, some of those who undervalue the raw ore of science, were to pay a visit to my noble Friend the noble Earl opposite (Lord Rosse) at his castle in Ireland, and after looking through his magnificent telescope at the wonders revealed, were to ask him the particular object of the class of observations on which he is now employed, and were to be told by my noble Friend, "That he was collecting data to be used in investigating the laws of the motions of systems of stars, so far removed that the distance of the nearest fixed star compared with their distance was probably insignificant:" now the distance of the nearest fixed star, it is well known, is so vast, that it takes light, moving at the rate of 192,000 miles a second, about three years and a half to traverse it. The visitor would say, what are these laws to us?

Well, my Lords, there are at least two answers which may be given to these and such like queries:—

First, experience shows that such of our investigations of nature's laws as have terminated in useful commercial results have added materially to man's enjoyment and happiness, therefore there is good ground for hoping that some at least of those now in progress which have not yet so terminated, will in future, though perhaps distant ages, impart to us like advantages. But, secondly, the human mind and human kind are elevated and ennobled by such sublime inquiries, and men's hearts are taught to glow with gratitude to Him who has endowed us with faculties which enable us so far to comprehend His works, as to appreciate His goodness and greatness, and oftentimes to confer inestimable benefits on all our race; for this is the glory of science, this its highest praise, that its conquests are not confined to one race or clime, but it showers down its blessings equally upon all; like the Great Being from whence it derives its birth.

In conclusion, my Lords, if I need not further apologise for intruding such subjects on your attention, I have at least to thank you for the kind indulgence with which you have listened to my statements; and happy shall I be if I have succeeded in convincing you that the principal matter discussed is worthy of your attention, and of that of the Government and nation; and that it is the bounden duty and interest of a country, which has risen to an unexampled state of wealth and prosperity by the application of science to art, to hold out to science a protecting and fostering hand.

EARL GRANVILLE thought that the very clear, interesting, and in some parts amusing statement of the noble Lord had entirely justified the House in expressing, as they had done by their cheers, how unnecessary it was for the noble Lord to apologise for bringing the subject before them. For himself, he had to apologise, after a statement upon so interesting a subject, that he would have to offer some observations in a more insipid tone. He should endeavour to show, although not at such length as the noble Lord's remarks had extended to, that the noble Lord had taken a less calm and philosophical view than he ought to have taken of the conduct of the late and of the views of Her Majesty's present Government, as to the progress of science in this country. With reference to the neglect which the noble Lord said this subject—which appeared to him (Earl Granville) to be one most intimately connected with the welfare of all mankind, and more especially with that of the inhabitants of a nation of which, like this country, so large a portion of the population was engaged in maritime pursuits—had met with, he would refer to the papers recently laid before their Lordships. By those papers they would see that the origin of this correspondence was a communication from Lord Palmerston, the Foreign Secretary, to Sir John Burgoyne, enclosing him a book, and asking his opinion upon the subject of meteorological observations, and the co-operation of the Government of the United States to effect a perfect system. He (Earl Granville) was Secretary of State for Foreign Affairs when the answer to that communication was received. It would be seen by the correspondence that he received these papers on the 19th of February last year; and five days afterwards Mr. Addington wrote by his direction to Sir John Burgoyne for information, in order to promote to the utmost the object in view. The matter then fell into the hands of the late Government; and though, perhaps, the correspondence did not go on quite so briskly as it might possibly have done, yet, after reading that correspondence, he thought that, so far from any cold water having been thrown on the plan proposed, there was a very strong desire evinced, on the part of the late Government, to encourage the useful object proposed to be attained. Then, when he came to the period when the noble Earl (the Earl of Clarendon) came into office, he found that eight days after his Lordship had received the observations of the American Government with regard to the opinion of the Royal Society, the noble Earl wrote to the Treasury and requested them "to take such steps thereupon as they may deem right and proper, with a view to forthwith carrying into effect the object proposed." The subject was now being considered in that department (which was not, as their Lordships would believe, an idle department at this moment) with a view to carrying out Lord Clarendon's request. There were several things to be considered; first of all, with regard to what should be the superintendence of the plan proposed, to what department it was to be referred, and how most valuable matter, which was now lying in the archives entirely undigested, could best be made available for public information. In all these cases it was very desirable to put this sort of business under the head of some existing Board, and not to create a new and irresponsible Board for that purpose. One very important point to consider now also was, that at present on board vessels of war, excepting by accidental circumstances, they did not necessarily possess instruments to carry out these observations; and the remark would, of course, apply with much more additional force with regard to the mercantile marine. He thought he had shown that the attention of the Government was directed to the subject, and that they were anxious to give every possible assistance in their power to carry out the object in view. The noble Lord had made some observations of a censorious character as to the alterations which had been made with regard to surveys carried on by the Navy. Now, he was able to state that no one single foreign survey had been stopped, and no home survey had been suspended, excepting with regard to the mouth of the Thames, which, after lasting twenty years, had at length come to a natural death. The noble Lord, indeed, said that that survey could not be concluded, because there were shifting sands at the mouth of the Thames. Now, it was clear that with regard to these shifting sands you could not have a perpetual survey of those sands; but it was fully the intention of the Government to make a survey of the locality in question from time to time, as necessity might arise. As to the reduction of the expense of surveys, that had been chiefly carried out by not employing post captains who received double pay; and there had been substituted for them commanders, who, he was happy to say for the honour of the Navy, were fully competent to carry out this service in the most effective manner. With regard to the general question, it was of very great importance for the Government and for the interests of science itself, and with a view to obtain all reasonable money grants from the country, and from their representatives in the other House of Parliament, to show that when they did give grants for scientific purposes, they exercised economy in administering those grants. Sir John Herschell had urged that economy in asking for such grants was as desirable as economy in granting them, and he entirely concurred in that opinion. The British Association had kept in view that economy in asking; and the result had been, that from the year 1836 down to a late period every application made by that association, and by the Royal Society, had been immediately and cheerfully responded to by the Government of this country. He had in his hand the list of grants so made; but he would hardly trouble their Lordships by going through it. In 1842 Dr. Whewell had alluded in terms of high commendation to the service rendered to science by the then Government, in instituting a great magnetic survey of the globe, and the fixed observations in every part of the world which were now carried into effect; and one of the latest acts of Lord John Russell's Government had been the grant of 1,000*l.* a year for the use of the Royal Society, which he believed had been most beneficial in its effects; in fact, the recent researches of Hoffman and others might be principally attributed to that grant having been made. With regard to the present Government, acting on the report of the Royal Commissioners of the Exhibition of 1851, they had formed a department of science connected with the Board of Trade, for which they had secured the invaluable services of Professor Playfair, and the object of which would be to give a stimulus to scientific education throughout the country, to superintend the expenditure of 23,000*l.* a year now given for the promotion of scientific objects, and to obtain information from other countries upon scientific researches that were proceeding there. He believed it would be found of great use in advancing scientific objects, and it would particularly avoid interfering with those scientific individuals and bodies which had been of such great use in promoting science in this country. He might mention another matter, which, although small in itself, was of some importance—the arrangement made by the Committee over which he had the honour to preside—the Committee of Privy Council on Education—with regard to furnishing the means to elementary schools of purchasing philosophical instruments which were till now entirely out of their reach, and which would give them great facilities for the pursuit of scientific knowledge at a very small cost. With respect to Her Majesty's Government, while they thought that every consideration was due to those eminent men, the labour of whose whole life was devoted to the furtherance of science, they considered that they were bound to give every assistance to the promotion of science which was within the competence of a government carried on on the principles on which the present Government was conducted; at the same time they wished to avoid interference in matters which individuals could do better without them, and to leave minor points to that independent action, on the part of the public, which in this country had been productive of such admirable results in every department to which its energies had been applied.

LORD COLCHESTER could, from his own experience, bear testimony to the many opportunities of making valuable observations which presented themselves to persons employed in the Royal Navy. He thought the late Government were not liable to the imputation which had been thrown out against them—that they were disinclined to carry out the system proposed for adoption. If their Lordships would refer to the papers before them, they would find that a communication was received by the late Government from the Royal Society on the 12th of May; and in the following month of June letters were sent to the Admiralty and the Board of Trade, and the last-mentioned Board stated, in their reply, that they fully concurred in the opinion expressed by the Royal Society—that both science and navigation would derive benefit from the execution of the plan proposed, and were anxious to see it carried out.

LORD MONTEAGLE said, their Lordships would be led astray if they considered that the money devoted by the Government to really scientific objects entailed any very considerable expense upon the public, for the list of grants made for scientific purposes since 1836 showed in a striking manner at how small an expense to the public important assistance might be given to science. He did not undervalue the expense in comparison with the objects pointed out by the noble Lord; but he knew that both Government and the public were frequently deterred from giving their sanction to grants for scientific purposes by the apprehension that they would be led into incurring some vast and unascertained expense. That was a subject of general observation; but the assumption was preposterous and wholly unsupported. The advantages resulting from the national promotion of science were not limited to the collateral benefits which might be derived from discoveries, but embraced also the great further advantage of combining nations together in co-operation for objects in which they had no selfish interests, but in which all humanity was interested. He believed that the strictest economist in another place could not be apprehensive of any addition to the national burdens for the grants that were made for the assistance of science.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, April 26, 1853.

MINUTES.] NEW MEMBER SWORN.—For Athlone, William Keogh, Esq.

PUBLIC BILLS.—2° Hackney Carriages (Metropolis).

3° South Sea and other Annuities Commutation.

ARCTIC EXPEDITIONS.

MR. GRANVILLE VERNON said, he wished to ask a question of the right hon. Baronet the First Lord of the Admiralty, of some importance, in reference to the ships employed at Behring's Straits. It would be within the knowledge of his right hon. Friend that a letter had been received by the late Board of Admiralty from Commander Maguire, of the *Plover*, stating, that that vessel was in a leaky condition, ill equipped and ill provisioned, and very unfit for the service in which she was engaged; that Commander Maguire urged strongly that a screw steamer should be sent out for the purpose of communicating with her; and that he stated, that, as no communication could be held except during about six weeks in the year, it was very possible that none but a screw steamer would be effective for the purpose. Admiral Beaufort had sent a similar recommendation, or rather had assumed it as a matter of course that a steamer would be sent out. All who had been lately concerned in Arctic enterprise were unanimous on the point that a screw steamer was the most effective agent for encountering the ice. He would also beg to remind his right hon. Friend, that, in addition to the *Plover*, there were the *Investigator* and *Enterprise*, neither of which had been heard of for more than two years. He, therefore, would ask, whether there was any record of the reasons which induced the late Board of Admiralty to put in commission, and the present Board to despatch, the *Rattlesnake*, in preference to a steamer, for the purpose of communicating with the *Plover* at Point Barrow.

Sir JAMES GRAHAM said, that he was aware of the despatch from the commander of the *Plover*, to which the hon. Gentleman had referred, but he was not aware, nor was there any record at the Admiralty, of the other communication alluded to. When the present Board came into office they found the arrangement to be that a sailing vessel, and not a steam vessel, should be sent on this service, and the order bore the date of the 15th or 16th of December; but no reasons were assigned for it. It was the decision of the late Board. It was not intended to send any fresh expedition within the ice on the western side. There were now within those dangerous regions either three or four expeditions. He was prepared to lay on the table any papers on the subject the hon. Member might desire.

NATIONAL POLICE.

Mr. RICE said, he rose, pursuant to notice, to move for a Select Committee to consider the expediency of adopting a more uniform system of police in England and Wales. The House was doubtless aware that a different system of police existed in almost every county of England and Wales, regulated according to the will of the magistrates. There was no uniformity whatever in these systems, and it was a very general opinion that a material national benefit, in many respects, would arise from the application of one well-matured common system throughout England and Wales. The House would bear testimony with him to the advantages derived by the metropolis from the system of police introduced by the late Sir Robert Peel, in 1829, though that system was met with great hostility on its first introduction. Had a similar system existed in Blackburn, the late disgraceful riots in that borough could not have taken place. It was therefore desirable to have a good police force in the boroughs sufficient to preserve the peace without the aid of the military force, which was objectionable on various grounds in such cases. When the noble Lord (Lord J. Russell) moved the Rural Police Bill, he urged many reasons to that effect; and, among others, quoted the observation of the commanding officer of a large district, who considered it inadvisable to employ the military on such occasions. Another reason was, that, while the soldiers acted under orders, the police could go among the mob, and possibly dissuade them from violence. In 1839 a Commission was issued to consider the best means of establishing a constabulary force throughout England and Wales. The result of the Commission was the Bill of 1839-40, called the Rural Police Bill. That Bill had been fully adopted in twenty-five counties, partially adopted in five, and not adopted in twenty-two counties. Several Bills had been introduced since the Bill of 1840, which had for their object to carry out still further the powers of the Rural Police Bill, and to establish paid constables wherever there was any necessity for the establishment of a police force. He objected to the mixed system of constabulary, which had failed wherever it had been tried. The evidence before the House showed that parish constables were unfit for the duties of police, and in consequence of their local connexions they were particularly unqualified to control public-houses and beershops. In many of the rural districts where great loss of property had taken place, the offenders were very rarely brought to justice; and, about ten years ago, a man just before his execution at Maidstone, made a confession, in which he disclosed the fact, that, within three years, upwards of seventy robberies had taken place, and that none of the guilty parties had been arrested. Another great objection to the mixed system of police, was, that the judicial functions of the magistrates were mixed up with the direction and control of the police force. The Report of the Committee of 1839 stated, that the more fully the separation of the judicial and executive functions of the magistrates were considered, the more clearly did they appear to be incompatible; and one of the witnesses said, "My decided opinion is, that the judicial functions of magistrates should be kept wholly distinct from the control and direction of the police force." With respect to vagrancy, it was most desirable that there should be competent persons to determine who were deserving of relief, and who were not, and this question ought not to be any longer left in its present most unsatisfactory state. The Bill of 1839 had now been fairly on trial for thirteen years, and in those counties in which it had not been adopted, the principal objection to it was the amount of the expense. Now, he had in his possession many documents which would show that the police might, in a great number of cases, be made the means of saving expenditure—such, for instance, as the inspection of weights and measures, and the conveyance of prisoners. He believed that a strong feeling existed throughout the country in favour of a well-considered measure of national police—a system which would afford proper facilities for the detection and apprehension of offenders, particularly since the establishment of railroads. It was true that railroads afforded prisoners great facilities for escape; but it was equally true that the message by the electric telegraph, by which their escape might be arrested, travelled immeasurably faster. But such means of securing offenders were perfectly useless if the link of the chain was broken, and that was the case in every county which had not established the rural police. He thought the time had now come for putting an end to the present disjointed system, and establishing one with unity of design. Legislation on this subject was required; but, in his opinion, it ought to be undertaken at the discretion and on the responsibility of the Government of the country. All he now asked for was a fair inquiry as to the working of the present system, and he trusted the House would assent to the appointment of a Committee to inquire into the subject.

Mr. HUME said, that in seconding the Motion, the consideration which chiefly influenced him in doing so was the importance of establishing throughout the country a force of police sufficiently effective to supersede the necessity of invoking the interference of the military in domestic matters. He had always been of opinion that one of the great evils of maintaining a large military establishment in this country was, that it afforded to the magistrates temptations and facilities of calling out soldiers for the repression of disturbances. This was a most objectionable proceeding, and could only be obviated by having in every county a civil establishment which would be efficient for the preservation of the peace throughout the year. He was for establishing in every county a general and continuous system of police. At present there were in England no fewer than twenty-two counties, and six or seven in Wales, which had no police establishments whatever; and the injustice of the system was, that the counties which supported the police had in a great degree to pay for the counties which refused to do so. The amount of this injustice, regarded as a mere monetary wrong, might be estimated when it was stated that no less a sum than 190,000*l.* was paid for the maintenance of the police annually in England and Wales. In some of the counties, as, for instance, in the county with which he was more especially connected—Norfolk, the police were useful and efficient, and had completely succeeded in putting down vagrancy.

Motion made, and Question proposed—

> "That a Select Committee be appointed to consider the expediency of adopting a more uniform system of Police in England and Wales."

Lord LOVAINE said, he was decidedly favourable to the establishment of a regular and uniform system of police throughout the country—a system which would embrace towns as well as counties. The great evil of the present system, and the great difficulty in the way of establishing a better, arose from variety of jurisdictions, which existed all over the country. Having had great experience in a county in which the rural police had been established, he much approved of the system. In his opinion it was a most difficult matter for the magistrates to manage an irregular and unpaid constabulary.

Mr. RICH said, he cordially approved of the Motion, and was fully sensible of the necessity of establishing a better state of things with respect to police than that which at present prevailed. The question was of much greater importance than might appear at first sight. The police had saved an enormous amount of property and life, and enabled persons to sleep in peace. He fully concurred with the hon. Member for Montrose (Mr. Hume) in the opinion that the interference of the military in domestic matters was greatly to be deprecated, and he hoped the day was not distant when there would be a civil establishment of sufficient strength and efficiency to preserve the public peace. He agreed with the noble Lord the Member for Northumberland (Lord Lovaine) in thinking that the cause of much of the evil and mischief of the present system was to be looked for in the multitude of conflicting jurisdictions. There were no fewer than forty counties in England and Wales, all of which claimed different jurisdictions, and very many counties had no police at all worthy of the name —simply a head constable, with a few men under him. The great thing to be accomplished was uniformity of action—an object which was to be achieved by a compulsory enactment, and not by an optional one, such as the present. There were large towns and small municipalities which had distinct police of their own, and were averse to fraternise with the police of other places. The metropolitan police was an excellent force, and so, too, was the police of the City of London, and yet on the melancholy occasion of the Duke of Wellington's funeral not a little difficulty and anxiety was occasioned to the Government by the rival pretensions of these two bodies. He was for establishing an uniform system; but he was also in favour of preserving as much independence of action as possible in the different localities, so that the ratepayers might nowhere be charged for the maintenance of a larger force than they actually required. The constabulary of Ireland were the most perfect force of the kind in the Empire—perhaps in the world. He did not want an armed police, such as they were, for England, but he thought it desirable that the police should everywhere be trained to the use of arms, in the same manner as the Irish constabulary were.

Sir JOHN PAKINGTON said, he thought that the question was one which fell within the legitimate province of the Government, and should be left to their discretion rather than to that of independent Members. If the Government were not prepared to undertake it, he should certainly give his voice in favour of the appointment of a Committee, but he should much prefer that the Government should take the question into their own hands. Nothing could be more unsatisfactory than the state of the police in England, as well in towns as in counties. Some of the larger towns had, at a great expense, organised an admirable police, but there were others of them whose arrangements in this respect were wretched beyond description. Many of the counties had larger public establishments than they required, while others, influenced by mistaken considerations of economy—and these amounted to, perhaps, one-half the counties of England—had no police whatever. The defect and mischiefs of this system arose from the fact that the question was regarded simply as one of money. It was remarkable that, the better and more effective were the police, the less disposed were the people in country places to pay for them. It was a common thing for a ratepayer to object to the expense of the police on the ground that he could never see a policeman, forgetting that it was at night that that official was on duty, and that he was taking care of the ratepayer while the latter was sleeping. Another great evil was the inconvenience arising from the want of union between county police and town. Indeed, so notorious were these evils, that it scarcely needed a Committee to find them out, and the Government might, if it would, at once undertake the management of the question without waiting the appointment of a Committee. Still he would vote for the Committee, if necessary, but he should much prefer to learn that the Government were prepared to take the question into their own hands.

Viscount PALMERSTON said, that this undoubtedly was a matter which fell within the legitimate range of the Government's duty, and one in respect of which they would be prepared to take an active and decisive part. At the same time, he could not but think that, with a view to collecting information as to the advantages which had resulted to some counties from having police, and as to the evils and inconveniences which others had endured from the want of such an establishment, the Committee moved for by his hon. Friend the Member for Dovor (Mr. Rice) would be extremely useful, and would prepare the way for beneficial legislation. He entirely agreed with his hon. Friend as to the superior quality of the county police as compared with those purely local constables which were in some places preferred to them; and he was persuaded that those counties which were deterred by motives of economy from establishing a well-disciplined and effective police, had taken a most erroneous view of their own peculiar interests. He had the strongest conviction that one of the results of the labours of the Committee would be to show that the counties which pursued such a course lost much more by reason of depredations of property, and all the expenses consequent on the multiplication of crime, than would have sufficed to have established an efficient system of police. He had no doubt that much inconvenience, and not a little injury to the public, resulted from the jealousies of small municipalities, which did not like to surrender their small prerogatives, and feared that their dignity might be compromised if they were to make common cause with the counties. From these unfounded jealousies much evil had followed, and the Committee no doubt would feel the matter to be of sufficient importance to merit their attentive consideration. Let the result of the proposed inquiry be what it might, he was of opinion that his hon. Friend the Member for Dovor had materially assisted the Government, by laying a substantial foundation on which to raise a superstructure, sound and useful, and he should certainly support the Motion. Notwithstanding that, he could assure the right hon. Baronet opposite (Sir J. Pakington, that he had not the least intention of shirking any of the duties which properly belonged to the office which he (Viscount Palmerston) had the honour to hold.

Captain SCOBELL said, he was not averse to inquiry, but he hoped that the inquiry would be full, fair, and searching, and that both sides of the question would be considered. He could not give his adhesion to the opinion that a police station was required for every hill and valley of this country. He had sufficient faith in the rural population of England to believe that the parochial constable system, if remodelled and improved, would be found thoroughly effective for the preservation of order. It was a mistake to suppose that crime abounded least where policemen were most plentiful. In his county, Somerset, there was no rural police; in the adjoining county, Wiltshire, there was such a force, but there was much less crime in Somersetshire than in Wiltshire. He was for educating the people rather than coercing them. In all towns, however small their population, he would have a regular police; but the same necessity did not exist in counties. The chief qualification for a regular policeman was stature, whereas the parish constable must be of excellent character, and must possess a qualification. This was one advantage out of many in favour of the old system, which, however, he admitted, required to be improved. As the Government assented to the inquiry, he hoped that it would be carried on fairly, that the whole question would be well sifted, and that due regard would be paid to the different circumstances of the urban and the rural districts.

Lord DUDLEY STUART said, that, though favourable to inquiry, and prepared, if necessary, to vote for the Motion, he had no desire to see established throughout the country a general system of police, with their head-quarters in London, and subject to the control of the Home Office. He should like to see an efficient and uniform system of rural police, and did not apprehend that the expense of such a force would be at all as great as was occasionally supposed. Nothing like one policeman to 1,000 inhabitants would be required to maintain order and provide against depredation. In the county of Hertford, where there was a population of 130,000 souls, not more than seventy policemen were employed; and the amount of crime was only one-third of what it was thirty years ago, when the force was first established. The police rate in Hertfordshire did not exceed 2*d.* in the pound, whereas, in the neighbouring metropolitan districts, where it was 8*d.* in the pound, it was a source of bitter complaint that there was not the same safety for person and property. Much had been said in eulogy of the metropolitan police force, and they had been described as the most popular police in the world. The fact might be so for anything he knew to the contrary; but it was not saying much in their praise after all, for the police of most of the continental countries were objects of popular execration, because of that system of oppression and espionage of which they were the heartless instruments. There were armed policemen now going about the town, who occasionally made violent and shameful use of their weapons. A case had been brought under his own knowledge, in which three policemen had drawn their sabres upon a man, and had wounded him in several places, and had broken his arm. They then had the hardihood to charge the man with having assaulted them; but upon inquiry, it was found that they had perjured themselves in the account they had given of the affray, and the Commissioners of Police had discharged them from the force. This punishment, however, was altogether inadequate to the gravity of the offence, and contrasted in prominent relief with the sentence of transportation for ten years which had been passed upon a man who had knocked down a policeman with a life-preserver. He supported the Motion, as he believed that an inquiry into the metropolitan police system was urgently called for.

Mr. MACKIE said, he would beg to move, as an Amendment, that the inquiry should be extended to Scotland, where the police system was extremely defective.

Amendment proposed, "At the end of the Question, to add the words 'and Scotland.'"

Question, "That those words be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

COMMUNICATION BETWEEN ENGLAND AND IRELAND.

Mr. H. HERBERT said, he rose to move for a Select Committee, to examine into the present state of the communication between England and Ireland. As he had been informed that the Motion would not be opposed, it would be unnecessary for him to address the House at any length; he would therefore leave all matters of detail for the consideration of the Committee. He wished, however, to make out a *primâ facie* case in favour of his Motion, and to show, that while we were accelerating each year the communication between Australia, India, and America, nothing whatever was done to facilitate communication between England and Ireland. Ever since the union of the two countries the subject had been regarded as of the utmost importance, and up to 1850 it had been viewed as a vital national question. In that year a change was made which had led to the worst consequences, but for which he attributed no blame to the Government of the day. An inquiry was at that time instituted into the nature of the contracts between the City of Dublin Company and the Government, and the report completely exonerated the Government from all blame. He could not but regret, however, that a subject which up to that period had been regarded as of great national importance, should have been looked upon as a departmental question. When the noble Lord the Member for the City of London introduced his Bill for abolishing the office of Lord Lieutenant of Ireland, he had observed, as one of the arguments in favour of the measure, that science had superseded the attributes of the gods, and had annihilated both time and space, so perfect had the communication become between the two countries. That communication, however, he was sorry to say, did not in any way deserve the eulogium passed upon it by the noble Lord. Before concluding, he wished to say a word with respect to the conveyance of troops between the two countries. A great deal of time had been spent in that House, and much discussion had taken place in the country, with reference to our national defences. Every one who had considered the subject knew that our means of defence, in case of invasion, depended not so much upon the number of our troops, as on the power of concentrating them on a given point. Now, he asked hon. Members to consider what accommodation we had at present for the transmission of troops between England and Ireland in the event of any sudden emergency arising? Should such an emergency now arise, it would be impossible to withdraw troops from Ireland without great delay, as the present vessels employed for the conveyance of mails and passengers were wholly inadequate for such a service.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to examine and report upon the present state of the communication between England and Ireland, as regards the expeditious conveyance of the mails, the transport of troops, and the convenience afforded to the public, and to the Irish Representatives in particular, in their attendance on this House, and to report what improvements modern science can suggest to establish a more speedy and commodious communication between the two countries."

Mr. GEORGE said, that so far from opposing the Motion of the hon. Member for Kerry, he should give it every possible support in his power, being assured that it would tend to the ultimate advantage of both countries. He had the honour of being a director of the steam packet company to which the hon. Member had referred; and, on the part of that company, he must take the liberty of saying that he could not agree with the hon. Member that the communication between Dublin and Holyhead had deteriorated during the period he had spoken of. If the hon. Member would refer to the official returns, he would find the contrary to be the fact. The contract between the Government and the City of Dublin Steam Packet Company was entirely inadequate for the service to be performed. Vessels of larger size and greater speed were required to carry the mails and passengers with that rapidity which the temper and spirit of the age desired. He held in his hand a correspondence which showed that the Dublin Steam Packet Company was ready to accelerate the passage across the Channel; but in order to enable it to do so, it was absolutely necessary that a fresh contract should be entered into with the Government. With respect to the conveyance of troops, he was sure the Select Committee would find the Dublin Steam Packet Company willing to afford them every facility in that respect. He did not anticipate any difficulty upon this score, when he considered that a fleet of twenty vessels could be got ready at twenty-four hours' notice for the transport of troops between the two countries. He hoped the Committee would succeed in improving the communication between London and Dublin. Not long ago the journey occupied from fourteen to sixteen hours, but it was now made in eleven hours, of which about three and a half were occupied by the passage across the Channel. He did not think the sea part of the journey could be much shortened; but he believed the object of the hon. Member for Kerry might be accomplished, to some extent at least, by an arrangement with the railway companies between Holyhead and London.

SIR RICHARD BULKELEY said, that although not one of the representatives of Ireland, he knew very well that at the time of the Union it was distinctly understood that the communication between the two countries should be made as perfect as possible. He had often heard that from the late Lord Congleton, under whose auspices upwards of 1,000,000*l.* was expended on a road between London and Holyhead, which was now perfectly useless. The late Sir Robert Peel, when he permitted the Chester and Holyhead Railway Company to become proprietors of steamers, said very properly that Dublin, not Holyhead, was the terminus of the line. Under the present system, all the convenience that Irish Members derived on the road from London to Holyhead, was lost in the sea passage between that port and Dublin. There was one packet that sailed at 6 o'clock in the evening; and Gentlemen knew what a time that was for sailing in a winter evening, with probably a wife and family on board. Another one sailed at 2 in the morning, and a third at 6, and that was all the accommodation afforded to Peers and Members of Parliament whose duties called them frequently to London. What Temple Bar was described to be to timid females travelling in London, the sea passage from Holyhead was to Irish travellers — four hours and a half of unmitigated dirt, discomfort, and some danger. There was no day communication with Ireland—a want which had recently given rise to a lamentable accident. The *Prince Arthur* started lately from Holyhead with a large number of passengers, amongst whom were two gentlemen and their wives. The night being stormy the ladies went to bed, there being no similar accommodation for gentlemen. When about half seas over the *Prince Arthur* was run into by a schooner, and her starboard paddle-box stove in. In the confusion a general rush took place, the ladies rushed on deck, and the husbands with natural anxiety rushed in search of them. Unfortunately in the confusion and darkness of the night, a lamentable mistake took place, and the gentlemen exchanged wives. High words, and then blows followed, and the captain of the ship had a double difficulty, that of clearing his vessel from the schooner, and of separating the gentlemen who had been thus wrathfully excited. Now this mistake was all occasioned by the darkness of the night, and the ladies being in their night dresses. Seeing, then, that this was a matter that materially affected important sections of the community, he trusted that the inquiry would be conceded.

MR. VANCE said, he thought that the Dublin Steam Packet Company should be more amply remunerated for their services, and that a new and more efficient arrangement with respect to the communication between England and Ireland should thus be secured.

MR. FREWEN said, that the transit of the mails from Dublin to London was not so expeditious as it was from London to Dublin. He thought that the Postmaster General ought to direct his attention to the matter, in order to ensure the more speedy progress of the mails between Ireland and this city.

VISCOUNT BERNARD said, that as one who was well acquainted with the south of Ireland, he wished to bear his testimony to the importance of an efficient means of communication between England and that portion of Her Majesty's dominions. He hoped that not only would a Committee be appointed to inquire into the subject, but that the Government would consider the question as one which deeply affected the prosperity of Ireland. The whole system of postal arrangement in that country was most deficient, and required immediate revision.

MR. GOULD said, that if a high rate of speed was to be maintained between Holyhead and Kingstown, it was essential, as the hon. Baronet the Member for Anglesea (Sir R. Bulkeley) had remarked, that the passages should be made in the daytime.

MR. MANGLES said, that although he was an English and not an Irish Member, he happened to know something about this matter, in consequence of having been a director of the unfortunate Chester and Holyhead Railway. He was sorry to say that, in his opinion, the efforts of Government had of late years tended to retard rather than to promote the means of communication between the two countries. In the first place, they obliged the unhappy company to which he had referred to make an enormous and expensive bridge across the Menai Straits, because it had been represented to the Admiralty that a bridge of an ordinary form of construction would throw some petty impediments in the way of sloops navigating the strait. The Admiralty, looking at the question merely as one affecting the company on the one hand, and the navigation of the strait on the other—and not as an Imperial question—insisted upon the company forming a bridge, which cost them not less than 1,000,000*l.* sterling. As soon as this was done, then came the question of the most speedy passage across the Channel, for it was obvious that there would be little advantage in a railway between London and Holyhead, unless there was connected therewith a relay of vessels betwen Holyhead and Kingstown. Well, then another department of Government, instead of looking at that as an Imperial question, pitted the Chester and Holyhead Company against the City of Dublin Steam packet Company, and screwed them down to the lowest sum, giving the contract at last to the latter. Now, if the passage between Holyhead and Kingstown was to be performed in the most rapid and safe way, and free from those accidents which the hon. Baronet (Sir R. Bulkeley) had described, the Government must be prepared to be much more liberal in their terms than they had hitherto been.

CAPTAIN JONES said, he thought it would be impossible to accelerate the communication between both countries without very considerable expense. That object could be accomplished only by the employment of a larger and a swifter class of vessels than at present were engaged in the packet service. He believed that the passage between Holyhead and Kingstown was made, upon an average calculation, in four hours and a half. Now, it might be accomplished in a shorter time by the employment of an improved class of vessels; but they should not think of building a class of vessels of a description superior to those which at present perform the Channel service, until they had made such alterations in the harbour at Holyhead as would enable steamers to ride there in safety.

MR. FORTESCUE said, he was of opinion that the steam packet service between Kingstown and Holyhead could be placed upon an improved footing at the same amount of expense as was formerly incurred at a time when it worked efficiently.

MR. WHITESIDE said, that, to prevent their English brethren being alarmed at the dangers encountered by the Irish representatives in crossing the Channel, he might state that he believed a quarter of a century had elapsed since any passenger lost his life between Kingstown and Holyhead. He was recently asked to attend a meeting in the City, where a number of scientific shipbuilders demonstrated the practicability of constructing vessels capable of making the passage between Holyhead and Kingstown in two hours and a half. It was a mere question of money—an embarrassing question, no doubt; but he hoped the right hon. Chancellor of the Exchequer would relieve them from that as well as from all the other difficulties with which they were surrounded.

Motion *agreed to.*

EDUCATION (IRELAND).

MR. G. A. HAMILTON said, he would state as briefly as possible the reasons he had for now adopting the course of proposing a Select Committee to inquire into the working of the national system of education in Ireland. Hon. Gentlemen who were Members of the last House of Commons might recollect that on several occasions he (Mr. Hamilton) had felt it his duty to press this important subject on the consideration of the House, but in a different shape. On all former occasions he had moved that an Address be presented to the Crown, setting forth that large numbers of Her Majesty's subjects in Ireland entertained conscientious objections to the national system of education as at present carried into operation, and praying that Her Majesty would be pleased to take their case into consideration, and direct that such a modification of the system might be made as would remove those conscientious objections; or otherwise, that means might be taken to enable those of the clergy and laity of the Established Church, who entertained those conscientious objections, to extend the blessings of Scriptural education in Ireland. That Motion was supported by a considerable number of the Members of the last Parliament. He believed it was supported by more than 200 Members, and it would not be denied that the question was acquiring increasing interest. He had intended on the present occasion to confine himself to a statement of the grounds on which he thought such an inquiry as he proposed ought to be instituted. But the Amendment of which the hon. Member for Oldham (Mr. W. J. Fox) had given notice, but which had mysteriously disappeared, rendered it necessary for him (Mr. Hamilton) to say a few words as to what the national system of education was, which the hon. Member proposed to extend to this country. The House had recently heard from the noble Lord opposite (Lord John Russell) a most interesting history and account of the progress and state of education in England, and of the principles on which it was conducted. The noble Lord had stated that the principle, as regards the education of the lower classes in this country, was, that it is conducted by the voluntary efforts of the great religious bodies, aided by the State. The noble Lord had further stated most truly, that the people of this country acted with a right instinct when they declared openly that there should be religious training in their schools, and that this religious training should comprise all the great doctrines of Christianity; and further adverting to the plan of bringing children of different religious denominations together for secular instruction, and leaving them to be instructed separately in religion, the noble Lord had stated most truly that it was in school children must learn the rules of religion and morality; that under the system proposed, sufficient time would not be afforded for religious instruction; and that, consequently, the great and most important end of education would not be sufficiently attended to. In conformity with the sound principles thus laid down by the noble Lord, public aid is granted in England either to the Church of England schools in connexion with the National Society, or to schools in connexion with the British and Foreign School Society, or the Wesleyan and Congregational bodies, or to Roman Catholic schools, through the Catholic Poor School Committee, and, latterly, he believed, to Jewish schools. With regard to each of these, except the Roman Catholics, it is a condition, either embodied in the trust deed, and thus affirmed and insisted on in the strongest manner, or otherwise provided as an indispensable condition, that the Holy Scriptures, and the Old Testament, in the case of Jewish schools, should form a part of the instruction of every child. It is, therefore, undoubtedly the case that, in England, the State on the one hand requires, and the managers of all schools except Roman Catholics, on the other hand insist equally, that the Holy Scriptures should form an essential part of instruction in those schools. In Ireland, it was very remarkable, as regards the national schools, that this very condition, so indispensably required by the State, and by all patrons and managers of schools in England, is an insuperable bar to any aid being granted to a school; and that the very course and time of religious instruction, which the noble Lord had so truly described as insufficient in England, was all that could be afforded according to the rules of the National Board in Ireland. It was not, therefore, to be wondered at that the hon. Member for Stockport should propose his Amendment, because, according to the noble Lord, the national system in Ireland, supposing its rules were strictly acted upon, would be little better than the secular system advocated by the hon. Member; at all events, if the Amendment were adopted, and the Irish national system introduced into England, the State will no longer be able to insist, nor can any clergyman, whether of the Church of England or of any Protestant denomination, require, that the Bible shall form a part of the instruction of the children attending his school; and, further, if he was not greatly misinformed, the restriction was now carried still further, and the veto of the parent of any child attending any school with reference to any book supposed to have any religious tendency, is held to render the exclusion of that book imperative at the period of united instruction. Instead of referring to the rules of the Board, with regard to the exclusion of the Bible, he would give an illustration which he thought would be conclusive on this point. The incumbent of a parish in the county of Limerick, a warm advocate of the national system, on being appointed to the benefice, found a national school there which he was desirous of joining, but for reasons which have no immediate reference to the illustration, he was unable to effect his object. Being disappointed in this, there was another school in his parish which he was anxious to bring into connexion with the national system. It was attended by sixty children, Protestant and Roman Catholic, and its rules were cordially approved of by all the parents. The rules were as follow:—1. The school shall be open to the children of all religious denominations. 2. That all the children attending the school shall learn, in addition to the usual school business, portions of the Holy Scriptures. 3. That no Roman Catholic child or Protestant dissenter be induced, contrary to the wishes of its parent, to learn the Church Catechism, in which all the members of the Church are instructed on Saturdays. The clergyman forwarded a copy of these rules to the Commissioners, and received the following reply:—"We are to inform you, that the 2nd rule (that all the children attending the school, shall learn, in addition to the usual school business, portions of the Scriptures) is incompatible with those of the National Board, as regards religious instruction." The clergyman then submitted a copy of his application, and the answer, to Lord Clarendon, then Lord Lieutenant, in the hope that his Excellency might induce the Commissioners to take the school into connexion; but received a reply from the private secretary, to the effect that this could not be done without violating the rule of the National Board with regard to the reading of the Scriptures. Now, here was a case which he thought was perfectly conclusive on the subject; a clergyman anxious to become connected with the national system, a mixed school of Roman Catholics and Protestants—the parents of all agreeing to the rule with regard to Scriptural instruction, and yet the rule, that under such circumstances the Scriptures should be read, is made an insuperable bar to the school being taken into connexion with the National Board, first by the Commissioners, and their decision confirmed on appeal by the Lord Lieutenant of Ireland. This short reference to the national system, and illustration of its working, would be sufficient, he hoped, to explain to the House what they were to expect in England if the Motion of the hon. Member for Stockport was carried; and it would, perhaps, explain also, in some degree, why he (Mr. Hamilton) had felt it his duty to press the subject on the consideration of the House in the Motions he had repeatedly made. The arguments, to recapitulate them very briefly, by which those Motions were supported, were these:—1st. It was urged, that notwithstanding great inducements and great advantages, during a period of twenty years, the clergy and laity of the Established Church had found it impossible to connect themselves with the national system. They had repeatedly and conscientiously declared that they were prevented, by conscientious and religious motives, considering, as they did, that the national system, by imposing restrictions upon the use of the Holy Scriptures, involved a principle contrary to the great principle of the Reformation, and at variance, in the opinion of some, with the construction of their vows at ordination. And it was further urged, that the widest toleration being now the principle of the educational system in England—that the clergy of the Established Church being permitted and encouraged to establish schools on their own principles, and receive aid from the State—that Dissenters being permitted and encouraged to establish schools according to their own conscientious convictions, and receive aid from the State—and Roman Catholics being permitted and encouraged to establish Roman Catholic schools without any restriction or interference, as regards any religious instruction, except the reasonable understanding that religion should be taught: it seemed monstrous and unjust that the religious convictions of the members of the Church of England in Ireland should be disregarded, and that in Ireland they, and they only, should be placed in a worse position than the dissenters or Roman Catholics in England; and the third argument that was used was this, that it was unreasonable to suppose that the national system of education in Ireland was really a mixed or united system, as it professed to be. He had quoted the highest Roman Catholic authorities to show that the Roman Catholics are just as much averse to any mixed latitudinarian system of education as any Protestants can be; that they consider, as he (Mr. Hamilton) did, that the great object of education is to impress upon the youthful mind the great principles of religion; that this cannot be done by excluding religion, or making it subsidiary or secondary to secular instruction; and that however important and desirable a mixed system of education might be, it ought to be abandoned if found incompatible with that which is the great end and object of education; and he had, therefore, urged that such being the acknowledged principles of the Roman Catholic Church, it could not be supposed that the 3,000 schools under the patronage of Roman Catholic clergymen were other than schools in which the Roman Catholic religion was fully and effectually taught, and therefore, obviously, they were not schools to which Protestants could resort. With regard to the objection entertained by the Roman Catholic clergy to any united or mixed education, he would quote one other authority of a very high description. Archbishop Cullen, in his pastoral letter addressed to his clergy, expressed himself as follows:—

> "The right of instructing the faithful in the truths of religion, and of resisting every system, by which error may be propagated and instilled into the tender mind, has been always vindicated to itself by the Catholic Church."

He then quotes from the pastoral address of the bishops of Germany in 1848:—

> "The Church will preserve, in preference to everything else, her sacred right to educate and teach;"

And from the Archbishop of Cologne:—

> "Religious liberty requires that ecclesiastical authority should exercise over all public establishments of instruction and education such a control as will enable it to fulfil the duties that conscience places on it."

He proceeds to state that those Protestants who are seriously attached to religion, and adverse to the spread of indifferentism or latitudinarianism, do not differ in their views upon the subject from the doctrines taught by the bishops of the holy Catholic Church, and he proceeds with remarks so pertinent that he (Mr. Hamilton) could not forbear from quoting them:—

> "Indeed (he says), every religious community in England has schools in which its own peculiar doctrines are inculcated; and such schools are considered as part of the machinery necessary for working out the religious views of the sect."

He then quotes Lord Harrowby, Lord Morpeth, Lord John Russell, Sir Robert Peel, and his conclusions are—

> "Such are the sentiments of our statesmen—such the principles on which the laws regarding education in England have been enacted. It is difficult to assign any reason why different principles should be applied by the same statesmen to the arrangements for education on this side the Channel. But, whatever reasons they may be influenced by, it is quite clear, that believing, as we do, that there is but one true faith, we should anxiously exert ourselves to have that faith interwoven with every part of education—that we shall take care to have it deeply impressed upon the minds of our children in the schools requiring that the men who teach should be religious; and finally, with Lord John Russell, we should admit no system which would inscribe education without religion—that is, without true religion, on its banner."

The Motion, on the other hand, was resisted on the high authority of the noble Lord, and the right hon. Baronet the Member for Carlisle (Sir J. Graham), on the grounds that even if there was a hardship as regarded the Established Church, it was dangerous to disturb a system which was now so extensive, and, upon the whole, was working so advantageously; and the right hon. Baronet, in particular, especially urged that the system was, in point of fact, a mixed and united system, and that Roman Catholics obtained under it a more liberal and scriptural education than they could otherwise expect to enjoy. It was, therefore, clear that an issue of fact had been raised, which forms the proper ground for a Parliamentary inquiry—namely, is the national system a united system?—and is it affording the kind of instruction that the framers of that system contemplated, and which the House supposes and intends in voting annually large sums for its support? Such was the position of the question when the late Government came into office. He did not, of course, intend to advert to anything which related only to himself; but he had reason to suppose that the noble Lord who was at the head of the late Government, and who, of all men, was naturally most anxious for the maintenance and success of the national system of education in Ireland, was, nevertheless, friendly to an inquiry, with a view to the whole question being fairly considered. This appeared to him a most proper and unexceptionable course, and he was quite satisfied to let the question rest upon that understanding, and he had expressed himself to this effect when in his official capacity he had proposed the vote last year for education in Ireland. It is true that the noble Lord (the Earl of Derby) had recently stated elsewhere, that after conferring with the late Lord Lieutenant of Ireland, and not being able to see his way to a satisfactory settlement of the question, he had declined making the inquiry on the responsibility of Government; but, in stating this, he had declared his willingness to support an inquiry, and he (Mr. Hamilton) felt warranted in stating that the noble Lord was favourable to such an inquiry as he (Mr. Hamilton) now proposed. Therefore, he had no hesitation in avowing that he was anxious to take the first opportunity as an independent Member to move for such an inquiry. In laying before the House the grounds for his present Motion, he thought it right to state explicitly and unreservedly his view generally with respect to the national system. Whatever objections he might entertain to the principle on which it was founded, and he would acknowledge he had strong objections to the whole principle of the system—he was ready to admit frankly, that, considering the period that had elapsed since its establishment—considering the large sums of money that had been voted by Parliament during the last twenty years, amounting, he believed, to more than 2,000,000*l.*, and voted ungrudgingly—considering the leases, and contracts, and deeds of endowment, with various parties, which the Commissioners, with the sanction of Parliament, had entered into—considering the number of schools and children, and the great importance of promoting education in Ireland—taking all these matters into consideration, he was ready to admit that the national system must now be considered practically as one of the institutions of the country; and, that, therefore, the question which, as a Conservative, he had to propose, was not with a view to its overthrow, but with a view to its extension and improvement, and the removal of the causes which made people conscientiously object to it. But he was ready to go further, and to admit, that, in some respects, very important service had been rendered by the institution to the people of Ireland, and, indeed, to the whole community. Every one admitted that the books for secular instruction published by the Commissioners, were not only unexceptionable, but had effected a complete change as regards that branch of education, not only in Ireland, but in this country and the Colonies; the training and industrial, and agricultural schools—the model schools—and many, also, of the local schools, were deserving of high commendation. He, therefore, for himself, would disclaim any hostility to the Commissioners, or any intention to overthrow the system; but, he must assert, that the more it is admitted that the system is to be considered as one of the institutions of the country, the more incumbent is it to inquire whether its working is as beneficial as possible, or whether its defects might not be remedied, and its operation beneficially extended. As the grounds now for the inquiry he proposed, he would submit, in the first place, that where the large sum of 180,000*l.* is voted annually by Parliament for an object of this kind, it is right and reasonable that Parliament should exercise a close and frequent scrutiny, both as to the operation of the system, and the expenditure of the funds; and it is the more necessary to do so in the case of an institution which has been granted the privileges of a corporation, and, which, therefore, to a considerable extent, is independent of the Executive Government. The Commissioners of National Education are a chartered body, and most of their functions are exercised solely under the responsibility which the annual vote by the House of Commons entails. Latterly, also, there is scarcely one of the great educational institutions of the country which has not been made the subject of inquiry; and he saw no reason why this institution should be exempt. And with regard to this very institution, he found that on the 7th March, 1837, the Earl of Carlisle, then Chief Secretary for Ireland, proposed a Committee of Inquiry into the progress and operation of the new system of education of Ireland. The proceedings of this Committee, which was most ably presided over by the right hon. Gentleman the Member for Northampton (Mr. V. Smith), were abruptly terminated by the close of the Session; and the Committee reported as follows:—

> "Your Committee having for the present closed their inquiry, owing to the approaching termination of the Session, are anxious that the evidence they have already taken should be presented to the House, although not sufficiently ample to enable them to report their opinion upon the important subject submitted to their investigation."

And then, after describing the course they had taken, they proceed to state—

> "Your Committee have generally adhered to this course of examination, but they cannot profess to have exhausted the witnesses they would have been desirous of examining under any of these classes."

Upon the third head they had barely entered, and accident compelled them to leave the evidence of an important witness incomplete. The fourth class is untouched; and they conclude in this language:—

> "Although your Committee have made such small progress, as compared with the extensive inquiry sketched out in this course, yet, having attended with the utmost care to the examination of some Members of the Board, and of the witnesses who appeared before them objecting to its system or practice, they think the evidence they now present to the House a valuable preparatory document for further inquiry; at the same time, with a view to guard against the possibility of its leading the House to a premature conclusion, they have accompanied it by this brief exposition of the partial nature of the evidence, limited as it is by the abrupt termination of the Session."

He thought that in the Report he had just read—a Report which had the sanction of Lord Stanley, Mr. Goulburn, Sir James Graham, Mr. Gladstone, and Mr. Vernon

Smith—in the acknowledgment that that Report contained of the incompleteness of the then inquiry of the necessity of prosecuting the subject, and of that Report being only a document preparatory to further inquiry, he could lay a sufficient ground for the Motion before the House. Sixteen years had afforded additional knowledge and experience of the working of the system, and yet the further inquiry had not been instituted. But he would proceed to state further grounds for the inquiry:—He would take it upon himself to assert, and would prove before a Committee, that the system is not a united system, though it professes to be so—though the noble Lord and the right hon. Baronet maintain that it is so—and though Parliament votes money on the supposition that it is so. Now, this was eminently a practical question—a matter of fact upon which it was most important that the House should have the fullest information. The whole object of the national system was to unite, if possible, the children of different religious denominations in the same school, and with the hope thereby of dissipating prejudices and animosities, and promoting concord and good will; that was the main object of the system, clearly and emphatically set forth in Mr. Secretary Stanley's letter. No one—even of those most friendly to the system—would assert that the national system was in theory and principle the best that could be laid down. It was founded upon concessions, which many persons objected to as involving concessions of great principles; but the object of those concessions was to establish a united system. It was time now to ascertain, after twenty years' experience, whether or not this union of children of different denominations had been attained or was attainable; if not, it would be desirable to inquire whether the causes which prevented it were attributable to one party or to another party, or whether rather they might not be traced to the deep and conscientious feelings and convictions of both parties, and to the antagonistic principles of the religions they professed. If so, the difficulty ought to be looked in the face, and it will be a matter requiring consideration and deliberation whether it would not be better to abandon the phantom of a united system of education, and to leave each patron of a school in Ireland, as in England, to make such arrangements as he conscientiously approved of in reference to his own school. He believed it was a mistake to suppose that this would have the effect of increasing religious acrimony in Ireland. He conscientiously believed that nothing was ever gained, even in respect of harmony and good will, by an unworthy concealment or concession of principle or opinion. It was part of the order of Providence, for reasons not within our limited view, that men should differ, conscientiously differ, with regard to matters of the highest interest and importance. No doubt it would be found in the end that those very differences were subsidiary to the establishment of truth; but while they exist, it is in vain to endeavour to suppress them by unworthy concessions on either side; and, in his humble judgment, it would be a more honest and successful course not to endeavour to mislead people or children into the belief that the difference between one religion and another was not very material, which is not the case, but to teach them that those differences should be held as a matter of conscience, and without acrimony or ill-feeling. If the Committee should be granted, he was prepared to show by several witnesses, men of the highest authority, that the system had failed in its main object as a united system, and that in the case in which it had the appearance of being most successful as a united system, namely, in the province of Ulster, it was at the expense of some other very important rules. He was also prepared to show that the system was scarcely to any extent Scriptural, even as regards the use of the Scripture extracts, though it professes to be so, and though Parliament votes money on the supposition of its being so. In fact, it had been admitted on high authority, that the Scripture extracts no longer formed a part of the system. He was also prepared to show that a large proportion, he might say a great majority of the schools were, in point of fact, Roman Catholic schools, in which the Roman Catholic doctrine was taught to all the children without the least qualification or reserve in the school-room during school hours; though the system purports to be designed for all denominations, and to be open to all—that, therefore, it discourages Protestantism and encourages the Roman Catholic religion, though it professes to be neutral in this respect. He was not now saying whether that was right or not as regards schools under Roman Catholic patronage, and attended by Roman Catholic children, but if it be the fact, it should be ascertained and known by the House. He was also prepared to show that the principle laid down by Mr. Secretary Stanley, and the plan on which he proposed to carry out the system, have been materially departed from, and alterations introduced by the Commissioners, of their own authority, the expediency of which was very questionable, the effects of which were very unfortunate and injurious, and the reasons for which should form a matter for inquiry. First, he would take the case of the Scripture extracts, and local funds. These extracts were prepared with the view to their being used generally in the schools. Mr. Stanley, in his letter to Dr. Chalmers, which will be found in Dr. Chalmers' life, and is dated 19th May, 1832, when the whole subject was before him, used the following expressions:—

> "We permit the Bible to be read every day. We encourage the reading of it on two days; we require the reading of selections on which all agree on every day in the week;" and he adds, "Surely this cannot be called the exclusion of the Bible from the school for any number of days in the week."

It is acknowledged now, that the Scripture extracts are not read in the local schools. But how is it in the model schools, and in the vested schools, of which the National Board are the patrons, and where Parliament has a right to expect that the system will be fully carried out. There are seven model schools in Ireland, besides that in Dublin. Newry:—"The Scripture lessons do not appear to be read during the hours of combined instruction." Ballymena:—"The Scripture lessons are not read during the hours of combined instruction." Coleraine:—"The Scripture lessons are not read during the hours of combined instruction." "They are read every Tuesday, Thursday, and Saturday, from ten to half-past ten; during that time, the notice, 'Religious Instruction,' is put up, and those who object to the reading of Scripture lessons, wait outside until half-past ten." There is another model school, of which it was necessary to notice, a special report is made respecting it, signed by the Protestant, Roman Catholic, and Presbyterian clergymen. These gentlemen take the opportunity of passing a general eulogium on the national system, which they say they consider as well calculated to combine persons of all denominations in the advancement of education, without requiring any surrender of their own peculiar views; and they add, its object and tendency is to promote united action without compromise. In this model school, at least, no compromise will be found. The Scripture extracts are not used either in the combined instruction or in the separate religious instruction, and the school is the national model school of Bailieborough, under the immediate patronage of the Secretary for Ireland. As regards local funds, Mr. Stanley, in his letter, stated that the Board will invariably require as a condition not to be departed from, that local funds shall be raised, upon which any aid from the public should depend. This appeared to him (Mr. Hamilton) to be a wise and salutary condition; he believed that no system of education could prosper without local co-operation, and that pecuniary aid was the best possible proof of such co-operation. One of the head inspectors two years ago reported that in three of the nine districts, four-fifths of the teachers have not received an average of fees amounting to 1*l*. a year; and in his subsequent reports he says their condition has become worse. In fact, all the head inspectors concur in reporting that the fees are diminishing, and that consequently the salaries of the masters paid by the Board should be increased. And in the last report, Mr. Kavanagh, one of four head inspectors, states that out of 178 invested schools, 136 had no local contributors nor any residences provided for the masters, and that of eighty-five of the teachers nearly one-half had less than 16*l*. a year to live on, that is, less than 10½*d*. a day. The model schools also were another subject for inquiry. He had reason to believe that the model schools were in point of fact no models at all; they were neither consistent in themselves as models, nor were they followed as models by the managers of local schools. Strangers were taken to the model school in Dublin, where everything was conducted in the most admirable manner, children of different denominations educated and instructed together; and strangers seeing this, and judging of it as a model, naturally went away impressed most favourably with the national system, believing that it was a model, and that all other schools, whether district model schools, or local schools, were brought as nearly as possible to that as a standard. But if hon. Members would turn to the reports of the district model schools, it would be seen that even in them there was no uniform system, still less were the local schools sought to be brought to any thing like the same standard. It would therefore be desirable to ascertain whether there was any rule or principle acted upon, with regard to those model schools. There was another point for inquiry, upon which he would very briefly touch. He was far from intending to cast any peculiar blame upon the Commissioners; he was aware of the labour and difficulty and magnitude of making up and furnishing the reports and accounts of more than 4,000 schools; but he could not avoid remarking, that the reports and accounts were not in a satisfactory state, and did not appear to him to afford sufficient information as to the working of the system. He feared he had wearied the House. He had not done so willingly; but he had felt it his duty to lay the grounds on which he sought for an inquiry fully before the House. He had endeavoured to show, first, the position of the question; second, what the national system was which the hon. Member for Oldham (Mr. W. J. Fox) proposed to extend to England, and then he had stated as the grounds of his Motion, that there was an issue of fact which needed an inquiry to solve; he had alleged that it was not a united system; not in any sense a scriptural system, not a system neutral, as regards general instruction, but one in which, as regards a great majority of the schools, the tenets of the Roman Catholic religion were openly and effectually taught; that the principles and plans laid down by Mr. Stanley were departed from: that the model schools were calculated to mislead Parliament, and that the reports and returns indicated a very unsatisfactory condition of things. The House of Commons were the guardians of the public purse. Several millions had been voted to be disbursed under this system. Were these matters or were they not fit subjects for an inquiry by the House? He had proposed the inquiry in no hostile spirit. He desired to see the system enlarged and improved. He believed it might be so extended as to give satisfaction to all parties in that country; and that there was a general desire and feeling to see it satisfactorily settled. But so long as there existed a feeling on the part of the clergy and Protestants of Ireland that their conscientious opinions were disregarded, and that they were treated with injustice, while every consideration was shown to the scruples of all parties in England, it was impossible that the system could acquire complete efficiency. He had refrained from pressing upon the House the particular views of those whom he more particularly represented as to the manner in which those objections might be removed, or as to their conduct in reference to the national system; but he would ask the attention of the House to one passage from a pamphlet recently published by a most unexceptionable witness, Mr. Charles Buxton. That gentleman stated that he had gone to Ireland with a strong bias against the clergy for the part they had taken, and would have been heartily sorry to hear that the system was to be softened down to meet their views. He adds in his preface, "It will be seen, however, that when I had not merely gone into the question, but had gone through it, I came out on the side of the clergy, and should be glad to see certain modifications made in the regulations of the Board." The conduct of the clergy had been impugned—unjustly impugned, as he (Mr. Hamilton) had always contended. But here was an evidence of an English gentleman, after mature inquiry, admitting that the case was different from what he supposed, and declaring that he came out on the side of the clergy. He should now have sat down, but for some observations which were reported to have been made elsewhere, and which required some notice on his part. The noble Lord at the head of the Government was reported to have said "that he found a difficulty in repressing the indignation he felt at the efforts that were made to frustrate the best attempt that was made for the regeneration and improvement of Ireland." It may be that the noble Lord no longer feels himself in a position to appreciate those who continue to maintain their honest and conscientious convictions. It may be that the noble Lord would desire to see in matters of a politico-religious character, as well as in matters of an exclusively political character, the same indifferentism which characterises Radical-Conservatism and Conservative-Radicalism; but the noble Lord would find himself quite mistaken if he supposed that the people of Ireland would take his view on those subjects. He spoke now equally for the Protestant and Roman Catholics of Ireland. There was no people on the face of the earth more sincerely religious than the people of Ireland, or more opposed to anything like indifferentism in such matters. They differed widely from each other. The principles of their religion differed widely, and sometimes it happened that the intensity of their feelings occasioned warmth and even rancour; but let it not be supposed that even the indignation of the noble Lord would induce them to forego their conscientious opinions. The inability to join the national system of education, on the part of some of the best men in Ireland, arose from conscientious convictions, and he humbly submitted that instead of exciting indignation, their consistent adherence to those convictions should have commanded respect, and instead of being a ground of opposition, should be a reason for granting an inquiry with the view of ascertaining whether those conscientious objections might not be removed.

Mr. WIGRAM seconded the Motion. He did not mean to make an attack on the existing national education system in Ireland. He could not say that he approved of the principle on which that system had been founded; but the system itself had been in operation for twenty years, and had, as he believed, been an instrument of great benefit to the Irish people, and more especially to the Roman Catholics in Ireland, and he had no wish to effect its detruction. The object of this Motion was not to overthrow the system, but to enlarge the numbers of those who could partake of its advantages. The Church of England schools were at present prevented from participating in the benefits of the system by the operation of the rule that any person might object to religious instruction being given in the school. That rule was a practical barrier to the extension of the system to the Church schools, and he and those who agreed with him upon the question wished to see that barrier removed. He thought there were several reasons why their opinion upon this point ought to be adopted. Such a concession would meet the views of those Protestant ministers who believed it was their bounden duty to see that all the young confided to their charge should be instructed in Divine truth. What physician who undertook the care of another would submit to be debarred from applying the remedy which he conceived to be necessary? How could a conscientious clergyman of the Church of England, located in Ireland—a country placed in the shadow of darkness—how could he be a party to educating the young without imparting to them the most important of all things, the pure Word of God? That was the principle on which the great majority of these clergymen refused their co-operation to the national education system so long as it excluded them from giving spiritual instruction in their schools; and had they taken any other course, he felt persuaded they would have forfeited the respect of the flocks over which they ministered. Again, regarding the question in a social point of view, the existing system was most objectionable. Here was the United Kingdom granting public money for the education of the nation. Yet no inconsiderable fraction of the nation was practically excluded from the system of education adopted; so much so, that three-fourths of the clergy of the Established Church in Ireland had not been able to avail themselves of the benefits and advantages which it was designed to confer. On what principle were hon. Members asked to support such an institution as Maynooth, founded to support a religion from which they entirely dissented, except on the principle on which the supporters of this Motion asked the House to give—not an exclusive grant to themselves—but a right to participate in funds granted for a common national purpose? When in England the principle acted on was that all should participate in the benefit of the educational grant, on what possible principle could hon. Members refuse to apply the same rule in Ireland, and to pay the same regard to religious convictions there as was done in England? It was only a reasonable share of justice that was asked. Another aspect of the question was whether the managers of those schools which were under the care of Protestant clergymen should not have the power of giving the children who attended a complete education, including in it scriptural instruction, or only the means of affording them an inferior and mutilated character of education. Anything more unfortunate than the present state of things in Ireland could not exist. It was incumbent on the clergy of the Established Church to endeavour, by every effort in their power, to co-operate with the Government; but in the present case he might truly assert that it was the State, and not the clergy, who placed barriers in the way of that co-operation. It was urged, in opposition to the Motion, that a united system of education, comprehending all denominations, was desirable. That object was worth making a considerable sacrifice to attain. But it was impossible to bring together compulsorily those who would not come together voluntarily; and he did not believe that the system which had been in force for twenty years in Ireland had produced the desired effect. The Bishop of Ossory and Ferns, in a published letter referring to the probable results of an inquiry, said—

> "It would, he was confident, put an end to the delusion that this was a real system of united education. He believed it would appear, speaking generally, that there was no union of the children of the different religions in the same schools under the national system;"

and he went on to say that the only form in which the education of children could

> "with any propriety, be called a united education was to be found in the schools of the Church Education Society."

This Motion was conceived in no spirit of religious rancour. He (Mr. Wigram) would not have taken any part in it if he had thought it was conceived in such a spirit; and he was persuaded that if the inquiry were granted it would have a tendency rather to remove asperities and do good, than to produce any results of a mischievous character.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to inquire into the working of the National System of Education in Ireland, with the view of ascertaining how far the Instructions contained in Mr. Secretary Stanley's Letter of 1830 had been followed or departed from by the Commissioners, or in the practical operation of the system; and whether and to what extent a united or combined Education has been attained under the national system; and also to inquire whether, by any further extension or modification of the rules framed by the Commissioners or otherwise, the conscientious objections which many of the people of Ireland entertain to the system as at present carried into operation might be reasonably obviated, so as to enable them to partake of the public grant, and render the system more comprehensive and national."

SIR JOHN YOUNG said, he had listened with all the attention in his power to the speeches of his hon. Friend the Member for the University of Dublin (Mr. Hamilton), and of the hon. and learned Gentleman who had just sat down, and he could only regret that he should feel compelled to dissent from the propositions they had put forward, however conscientiously maintained, and however moderately expressed. Those propositions had been moderately expressed, with the exception of one remark in reference to the Earl of Aberdeen. He (Sir J. Young) could assure his hon. Friend the Member for the University of Dublin that he approached the subject in no sectarian spirit; and with respect to the allusion made by his hon. Friend, he might be permitted to express his conviction, that as regarded any question connected with education or religion, the noble Lord at the head of the Government approached it in no spirit of indifference; and no man was more ready—no man more prompt—to pay respect to the conscientious convictions of others, however he might himself conscientiously differ from them. He (Sir J. Young) thought he had to thank his hon. Friend for more than one important admission. His hon. Friend had conceded that the secular education afforded in Ireland under the national system had raised the standard of education in that country, and was a good system. He thanked him for that admission, because in papers which had been widely circulated and endorsed by high authorities a very different opinion had been put forward. His hon. Friend also considered the national system one of the institutions of the country, and that it ought not to be subverted; but he (Sir J. Young) believed he should be able to show before he sat down that the Motion before the House would tend to subvert that system. His hon. Friend had referred to the letter of Lord Stanley, and the instructions with regard to the Scripture extracts. Now, he believed that there was nothing in the original instructions which made those extracts part of the secular education of the schools—he thought they were not even originally included in the books that were recommended by the Commissioners; but that they were prepared some months afterwards, and now to this day they were only recommended by the Commissioners for use as being introductory to the study of the Holy Scriptures, and did not form part of the secular instruction. His hon. Friend said that local contributions were no longer insisted on. It had been found indispensable in some cases to do without local contributions. He (Sir J. Young) did not know whether the rule had been absolutely given up, but he believed that exceptions had been made, because in many parts of the country those who required education most found it impossible to raise the necessary funds; and, looking to the state of Ireland for the last six or eight years, it was singular such an objection should have been urged against the national system of education. With respect to what had been said of the reports and their appendices, that they did not contain sufficient information, all he could state was, that if any hon. Member had a complaint to make with respect to any school, or any number of schools, and would put the charges on paper, the fullest inquiries would be made, and satisfactory answers afforded, as far as such could be given. And now he would address himself to the last branch of his hon. Friend's Motion, because it was really the only important point which he had put forward; and if it had not been for the desire of those who entertained conscientious objections "to the system as at present carried into operation for some extension or modification of the rules framed by the Commissioners," he apprehended that they would have heard little of any departure from Mr. Secretary Stanley's letter, or of any doubt as to the real attainment of a combined system of education. Now, they must inquire who were the parties who entertained these conscientious objections? These parties, as represented by his hon. Friend, were a number of the gentry and a majority of the clergy connected with the Established Church; and he (Sir J. Young) was prepared to acknowledge, that from the venerated Prelate who presided over the Established Church in Ireland, down to the meanest person who attended meetings at the Rotunda and at Exeter Hall, and brought, as he thought, hasty and harsh charges against the Commissioners, all the opponents of the national system were persons who sincerely desired to spread education upon what they conceived to be a sound basis, although they differed with him as to the best means of effecting that object. Therefore he hoped it would be allowed that he was anxious to eschew everything like religious rancour from that discussion. But the clergy of the Established Church in Ireland, and the gentry of that communion, also, who had for years been opposed to the national system, had been, and were still, gradually diminishing in their numbers. It was, however, said that its opponents, having a conscientious objection to that system, had a claim to have it altered on the ground of religious toleration. Now that was a doctrine to which he could not assent. So far from these parties having a claim on the ground of toleration, he thought the fact was directly the reverse, and that no Protestant, upon the principles of the Reformation, had any right to prefer such a claim to that House. The claim was, that these parties should be permitted to draw from the funds of the State monies for schools in which they should be allowed to insist that every child, without exception, attending them should read the Holy Scriptures from the authorised version. It was true his hon. Friend said that the children who attended those schools where this rule was strictly enforced, attended voluntarily. Upon that point he would touch presently; but let the House recollect the state of Ireland. Two-thirds of its population was Roman Catholic, and it so happened that these two-thirds consisted of the very classes who were most likely to stand in need of the public money to enable them to obtain education. Some said that their priests induced them to refuse education except upon certain terms; but that was not the fair way of stating the argument. These Roman Catholics must be taken to be sincerely attached to the doctrine and teaching of their Church; their Church was one that required implicit dependence upon its authority from its members, and it restricted its followers, and especially the young, in the use of the Holy Scriptures without note or comment. Therefore the Roman Catholics had a conscientious objection to have the authorised version of the Scriptures read by their children; they were poor and dependent; their allowing their children to read the Scriptures in the schools of their own accord was out of the question; their religion was opposed to it, and they would not allow them to read it except an improper inducement was held out to them on the one hand, or an improper pressure was put upon them on the other. But it was said that the children attended the schools voluntarily. Now, that assertion must be taken with considerable qualifications. In many parts of Ireland it might be that the Church Education Society's school was the only school in the parish, and the people were so keenly alive to the advantages of education that they would send their children to the only school in the parish, even at the risk of interference with their faith. Again, these Roman Catholic labourers were the poorest and most dependent classes in the country, although he rejoiced that altered circumstances were beginning to place them in a better position. They had to go and beg for employment. The employer was perhaps a person who conscientiously wished to spread the education given by the Church Education Society, and it might be that he would not oppress his labourer or turn him out of his employment if he refused to send his children to one of these schools; but who could tell how far such a poor man might be influenced by the apprehension that he would be deprived of his means of earning a livelihood if he gave such a refusal, and might under that fear be induced to send his child to a school to which he conscientiously objected? Again, there were a vast number of cases in which opulent Protestants, conscientiously zealous in the cause of the Church Education Society, had conferred temporal benefits upon the Roman Catholic necessitous population; and these poor people—for no one was warmer-hearted than the Irish labourer, or more grateful for favours bestowed on him—these poor people, not liking to fly in the face of their benefactors when they asked them to send their children to school, were liable to be bribed and seduced into consenting to do that for which in their consciences they felt the greatest repugnance. Well, then, for these reasons he thought the House was bound to take care that Protestants should not be allowed to enforce the reading of the Scriptures upon the Roman Catholic child, whether his parent wished it or not. As far as argument and persuasion went, of course the Protestant had a right to induce the parent to consent to the reading of the Scriptures; but to seek to effect that object by bribes, or by compulson, or by any other unfair means, was clearly to transgress the great principle of religious toleration. Those who claimed the right of private judgment ought to respect the same right in others; and the more dependent and helpless the person was, the more anxious they ought to be not to interfere with his religious convictions, or to offend his religious feelings. That was his answer to those who refused to accept the aid of the Commissioners, unless they were permitted to enforce the reading of the Holy Scriptures, not merely upon the children of their own persuasion, who were ready to consent to it, but also upon the children of Roman Catholics, the teaching of whose Church forbade them to consent to it. Before he went further into this question, he wished to make an observation, with regard to what his hon. Friend had said relative to the opinion of the Earl of Derby on the subject. No opinion was entitled to more weight than that of Lord Derby, whose name was so closely associated with the existing system as its founder; and he believed that no man's name could be associated with what had proved a greater benefit to Ireland. But was it true that Lord Derby had expressed himself favourable to such an inquiry as this? These were Lord Derby's words on this subject on the 30th November last:—

> "My Lords, during the recess my attention, and that of my Colleagues in the Government, and more especially my noble Friend the Lord Lieutenant of Ireland, has been directed most anxiously to the question of national education in Ireland. My noble Friend the Lord Lieutenant of Ireland has felt it his duty to devote very great consideration to this question; and with every desire to remove, as far as possible, the feelings or the prejudices of those who are opposed to that system, and who desire certain alterations in it, neither I nor my noble Friend at the head of the Government in Ireland can see our way to the introduction of any change which would have that effect without disturbing or materially altering the present system of education in that country. All I can say is, that I consider it would be a very great evil if we were seriously to disturb the existing system; and the Government, not seeing their way to make any alteration with the view to which I have alluded, have no intention of bringing forward any measure to effect what one party had in view, seeing that could not be effected without incurring evils which they would greatly deplore." [3 *Hansard*, cxxiii. 771.]

Now, could anything be a more distinct declaration of opinion, after full and anxious deliberation, that he was not prepared to alter the system in any material respect? Well, but his hon. Friend's proposition involved a very material alteration of the system, and was totally at variance with its main principle. Let them take a glance at that system from its introduction, and see for what great purpose it had been established. It had now been twenty-one years in existence, and its main object, as stated in Secretary Stanley's letter of instructions, was to extend to the poor of Ireland a system of education from which even the suspicion of proselytism should be banished. 70,000 Protestant children were now being educated in the schools established under that system; and among the millions of children who had received its benefits since its institution, there had not been proved a single case of proselytism. But, his hon. Friend said, that Roman Catholics were encouraged, whilst Protestants were discouraged, by the Committee. That was a charge that was very easily made, and one which, without considering the relative proportions of the different denominations, it might not appear so easy to disprove. But when they reflected that the great majority of those who attended the schools must necessarily be Roman Catholics, he was sure that nothing would really be found to exist, either in the schools, in the Commission, or elsewhere, which indicated undue partiality towards the Roman Catholics; or, that they received more than their fair share of the benefits of the system. How stood the case with the Commissioners? Two-thirds of them were Protestants; and, of the head inspectors, and inspectors receiving the largest salaries, one half were also Protestants. Of the whole 5,000 schoolmasters, 1,000 were Protestants, and of the total number of patrons, one quarter were Protestants. When they spoke of the Protestants connected with the Established Church, it must be remembered that they were the richest body, and that nearly four-fifths of the land belonged to them. And what was the fact? That, notwithstanding the opposition of the gentry and three-fourths of the clergy, the effect of this opposition was only to withdraw one-seventh of the Protestant children from these schools. Of the 70,000 Protestant scholars, 25,000 belonged to the Established Church, and the rest of them received an excellent education in the schools of the Church Education Society, which possessed ample funds to provide scriptural education for all the children belonging to the Established Church. He could not help thinking it a great evil that the Church Education Society should place itself in antagonism to the national system where no real ground of antagonism existed, instead of rendering itself in the most beneficial manner ancillary to that system. At all events, he thought it was neither wise nor desirable that alterations or modifications of a subversive character should be introduced into a system which they knew to be conferring inestimable advantages upon nine-tenths of the population of Ireland, and that merely for the purpose of relieving a very small minority indeed of the population from an insubstantial grievance; or, at least, a grievance which did not press very heavily upon them. But, his hon. Friend said, that the united system of education had failed. Now, he did not believe that those who founded the system originally, aimed at producing a united system in the sense that had been spoken of that night. In Ireland, some parts of the country were almost or altogether exclusively Roman Catholic, and other parts were exclusively Protestant; and, in such cases, of course, a united system under the same roof was physically impossible. In other cases, the population was too large for one school; and when it was necessary to have two, it often happened that the one party, perhaps naturally, preferred to send their children to the Roman Catholic school, and the others sent theirs to the Protestant school; and, then, of course, the education ceased to be united. Nevertheless, recent statistics showed, that, in spite of the opposition that had been offered to the system, the amount of united education given was very much greater than might have been expected; and, certainly, when the system was charged with not being a united one, the accusation came with a very bad grace from those who had done their best to prevent it from being united. The chief advantage of the system was not merely that Roman Catholics and Protestants should be educated in the same school, but that there should be a combined course of secular instruction, of which all denominations should partake in common, and separate religious instruction, to which no objections could be offered. It had been said, that the religious instruction had failed, but he believed that the reverse was the fact. One whole day in each week was set apart for religious instruction. The utmost facilities were given for attending the school, and so well did the system work, that he believed there were no better or sounder Presbyterians in the world than those which were educated in those schools. And, in the same schools, there were hundreds and thousands of Roman Catholic children who were embued with the knowledge of the Holy Scriptures, while they were not weaned from their own religion; and there were also multitudes of children of the members of the Established Church who were not only embued with a knowledge of the Holy Scriptures, but who were warmly attached to the tenets of their own Church. He was satisfied that the only thing wanted to make this state of things general was the assistance of the clergyman of the parish in each case. The hon. and learned Member for the University of Cambridge (Mr. Wigram) said, that this was a compulsory system. He (Sir J. Young) maintained, on the contrary, that the great merit of the system was, that there was no compulsion whatever, and that even in the case of all the children in a school being of the same religion, still nothing was taught that could in the slightest degree hurt the feelings of others, and no books were read or word was uttered that could interfere with the conscientious convictions of any one. The effect of such a system was, that a minority, however weak in numbers, were safe from interference; and that the majority, however overwhelming, were taught respect for the conscientious convictions of others. This lesson was especially valuable in Ireland, where a sound public opinion might be said to be in its infancy, and where attempts were so frequently made to tyrannise over and bully the consciences of men, both by priests and landlords. His hon. Friend had asked why they should not give separate grants to the various schools, as they did in England. In reply, he must be allowed to say, that he doubted whether, if a separate system of grants were adopted, it would not give rise to great animosities and heartburning in debate, when they were asked to give proportional grants to 4,000,000 or 5,000,000 of Roman Catholics, as compared with 1,000,000 of Protestants, and 1,000,000 of Presbyterians. He believed that such a system would entirely undo all the good which had been effected by the measures they had hitherto adopted. But as the system at present stood, wherever there was but one school in a parish, any gentleman might give his subscription to it, and his entire and personal co-operation in carrying it through, because he knew that the religious opinions of the children of his own communion would not be interfered with. But suppose there were three schools in one parish—one for the Roman Catholics, one for the Presbyterians, and one for the members of the Established Church. He would like to know how many landed gentlemen there were in Ireland who were rich enough to subscribe to all three schools? Or suppose that they were of sufficient opulence to be able to subscribe, yet how few of them would subscribe to any except to that school where the children of his own communion were educated? And yet these subscriptions were urgently needed, notwithstanding the money which Parliament had voted for the maintenance of this system. The returns before Parliament showed that while the sums voted to each school were 16*l.*, the average of the private subscriptions amounted only to 5*l.*, which showed that there was ample room for private aid. Now, let him call the attention of the House to the condition of the teachers in these schools. The teachers were the successors of the old hedge schoolmasters in Ireland—men who were the ringleaders of all mischief, the apostles of sedition and of disloyalty. There were 5,000 of those teachers now who had passed through a trying ordeal at a time when public feeling ran high—they were watched by their own inspectors—they were watched by a vigilant constabulary—they were watched by the opponents of the system, and in every case where evil was detected they were dismissed at once; and yet, in spite of all this vigilance, the cases of misconduct were so insignificant as to be wholly unworthy of notice. There was another point about these schools, and it was this, that notwithstanding the great diminution of the population, by emigration and other causes, which was generally believed to amount to 1,600,000, the number of children attending the schools had increased within these few years by 7,000. This showed the great desire the people had to secure education to their children, and how deeply rooted was their attachment to the national system. His hon. Friend made an observation, in which he (Sir J. Young) fully concurred, with regard to the importance of impressing upon the youthful mind religious convictions; but when his hon. Friend went on to infer that the national system was not founded on religion, he must beg to say that not only was the secular system admittedly the best that was taught in the west of Europe, but that it also in a most ample manner provided for the religious education of the children. In the books that were compiled for the use of the schools they would find all the doctrines of Christianity and all the precepts of morality. Next to the great principle of abstaining from interfering with the religious convictions of others, he believed that the greatest secret of the success of the system was to be found in the series of school books. That series was unique in design and unsurpassed in execution. One idea pervaded the whole. They rose from the alphabet to the higher gradations of knowledge by a series of easy steps, and a spirit of genuine piety pervaded every page. The benefit of these volumes was not confined to the schools; they became a kind of national literature; they were exceedingly popular with the people; and they formed altogether a code of united education. These books connected the people by a bond of union which they never before possessed—they circulated among all classes—and they diffused among them a harmony of feeling and opinion. He would now ask the favour of the House to listen to him while he read an extract from one of the national schoolbooks. He asked it because he had watched the system, and had taken a great interest in the welfare of the schools which he had visited in his own neighbourhood. This was the description given of children going to school on a Monday morning:—

> "It is Monday morning, and the village, at a certain well-known hour, is quite alive with girls and boys, of every age and size; their hair combed, their faces and hands clean, and, if they are tidy, or have tidy mothers, with neat clothes. The big ones are kindly leading by the hand a little brother, or sister, or neighbour—all on a very important errand; they are going to school. It is pleasant to walk through a country town or village on a Monday morning. The children are all looking their cleanest and freshest, and their parents have not that tired, worn look, which they get towards the end of the week; for yesterday was Sunday—a day of rest—a day precious to all Christians. It was the Resurrection-day of our Lord Jesus Christ from the dead; and all people who call themselves Christians celebrate this event, and consider the day as a holyday; for, however much they may differ from their neighbours in other things, in this they all feel alike, that it is happy news to all that their Redeemer rose from the dead, and still lives for them. Surely it is the quiet, religious happiness of Sunday, the first day of the week, which makes us fresh on the second—the first of our work-a-day week—so fresh and strong, 'to do whatever our hand findeth to do.' It is Monday, then. Every school in Great Britain and Ireland is beginning the business of the day. Boys and girls of all ages are pouring by thousands and tens of thousands into the streets, and roads, and lanes—often over bogs and mountains—on their way to school. But I now speak of the girls and boys of Ireland, and, among them, of those only who attend the national schools, because I know most about them. Of these schools there are 4,704, and no fewer than 520,000 children attend them. 500,000 children, then, are tripping forth, like yourselves, every Monday morning to school. 5,000 masters and mistresses are busy preparing to teach them, and many thousands of parents have just had the comfort of sending out their children to learn what will be good and useful for them now, for their future life, and we hope for ever. But, of all these multitudes of living beings, are there many, are there any, who ever think as they walk along, why they are going to school? or how it came about that there are schools to go to? Now, this is just what I want to make you think about. How all these thousands of school-houses came to be built, and the books bought, and the teachers paid—as far as they can be paid for such a hard and anxious task—it is right that you should inquire, and right that you should be told. I will explain the thing as far as I am able. The Government,—that is, those who govern in the Queen's name, get leave of the Parliament—that is, the Gentlemen who are chosen to overlook the Government, and watch over the concerns of the people, to set apart a sum of money for building schools, paying teachers, and other expenses belonging to them. But the number of schools required is so great that this money would not be sufficient unless the gentry gave their help towards it, and a number of them do give ground and pay part of the expenses when they find that a school is wanted in their neighbourhood. So you see that there are many persons in your country, and in England, who are kind and care for you, though most of them never saw you."

Every one of those secular books teemed with secular instruction of the same kind, and he would ask the House whether it did not contain the essence of good feeling, sound morality, and true religion? Those were the books of secular instruction which some hon. Gentlemen decried, and that was the system which they said was not founded upon religion. In those books they would find the facts and history of the Old and New Testament; the series, and connexion, and fulfilment of the prophecies, and all the main doctrines and truths of Christianity; and they were read alike by Protestant, Presbyterian, and Roman Catholic. It was a well-known fact that, in every part of Ireland where these schools had taken root and had had fair play, the condition of the people was manifestly improved. And what was the news from America? That, not in one or two instances, but in hundreds, boys who had been educated in these schools were selected in preference to others, and were the handiest and steadiest mechanics, and the most diligent and intelligent clerks. He believed that Napoleon, when in the zenith of his greatness, had never collected so large an army as 500,000. The number that crossed the Niemen was not more than 370,000, and the number that crossed the Rhine in the following year was less; but in these schools there were 520,000 boys, who, by the munificent grant of Parliament, were educated at a moderate cost, and were to go forth, not to perish in Russian snows, from famine and fatigue, or to be shut up in pestilential fortresses, but to go forth as apostles and ministers of civilisation, and who, if the system were continued, would raise the condition of the country. One of the greatest moralists had said that the majority of the people in the world never raised themselves from the condition in which they were born; but in Ireland that was not the case since the national system had been established. There were hundreds of instances in which boys who had been originally running about the streets in rags and beggary, had, by the instruction received in those schools, raised themselves to comfort and affluence. There were many instances, too, in which, under this system of instruction, a signal aptitude for calculation, engineering, and mechanics, had been developed; and there were many cases in which boys who were originally paupers, having been educated in these schools, had afterwards obtained situations which gave them hundreds a year in the manufacturing districts of England and America. If the British Parliament would only persevere in maintaining this system, it would raise not one or a few, or a few hundreds, but the whole people from the ignorance and moral and social degradation in which they had been sunk to all those comforts and appliances which waited upon habits of educated industry and self-reliance. He had endeavoured to show that the main object for which the national system was established had been attained, and that the system was, really and in fact, founded upon truth and the genuine spirit of Christianity; and he hoped the House would long continue to support it, because he believed that any attempt against it was an attempt against one of the greatest instruments of good which Divine Providence had ever permitted human wisdom to establish.

MR. NAPIER said, he had listened to the observations of the right hon. Baronet with great interest and anxiety, because he had said before he sat down he would show that the whole object of the Motion was to subvert the national system of education. After this declaration, he had expected that something would have been shown by the right hon. Baronet beyond a mere comment and eulogium on the books that were published for carrying out the system. He could not for the life of him see how the explanation of the value of these books tended to prove that it was the intention of his hon. Friend (Mr. Hamilton) to subvert the national system. The object and terms of the Motion of his hon. Friend, who generally said what he meant, were an inquiry into the practical working of the system, and

> "whether, by any further extension or modification of the rules framed by the Commissioners or otherwise, the conscientious objections which many of the people of Ireland entertain to the system as at present carried into operation might be reasonably obviated, so as to enable them to partake of the public grant, and render the system more comprehensive and national."

Surely if the system be such as the right hon. Baronet had described, there could be no better reason for that House applying itself to see whether the impediments that existed were of a character that could be remedied or removed, so that the other third of the population of Ireland could be included in the grant. The Protestants of Ireland, who stated their conscientious objections to the system, wished to know why, for maintaining the principle which was maintained by every Protestant in that country, they should be debarred from all share in a grant out of the Consolidated Fund for the purposes of public education. That was a matter involving a question of justice to which he had never got an answer. The justice of the claim of the Protestants was certainly admitted; but in point of policy it was stated that it would be inexpedient to grant it. If they were in England they could obtain assistance; but if any Protestant in Ireland demanded one penny out of the fund for public education, while putting forward the principle established by the Reformation, he was debarred from all participation in it. In the Church Education Society he found that the condition on which assistance was given was, that every child should read the Scriptures in the authorised version. The noble Lord (the Earl of Carlisle) had stated, when presiding at the meeting of the British and Foreign Bible Society, "the principle on which we go is the entire sufficiency and universal use of the word of God." The trustees of the Wesleyan Council made it a condition that all children in their schools should be taught the Scriptures in the authorised version. The hon. Baronet said that their claim was not founded on the principles of the Reformation; but how could that be said when it was put forward and allowed in the case of every Protestant denomination in England? These principles were not local—they were wider than the world, and lasting as eternity. A large proportion of the clergy of the Established Church in Ireland were putting forward their claim for the use of the Scriptures in their schools. He had himself presented a petition also from more than 600 Presbyterians in the north of Ireland in favour of Scriptural schools; and yet they were told that their claim was not founded on the principles of the Reformation. He was ready to admit that if the clergy of the Established Church had put forward any claims which were not founded on the principles of the Reformation, that they were deserving of the rebuke which the noble Lord at the head of the Government pronounced in another place. But he found a remarkable answer in the case of that great and good man, Dr. Chalmers, in the reply he made when the very same noble Lord in the same place had made a similar attack upon the Scotch Church:—

"The most essential element of the nations health and safety, is that we shall be sound at bottom; but this is, an element which nothing tends more fearfully to endanger than that the Christian instructors of a land—the officials charged with that highest of all education, the education of principle—that they should be brought down, whether by their own deservings or the injustice of others, in popular estimation. It is a blow struck at the corner-stone when the moral integrity of clergymen is assailed; and when, not in any secret or obscure whispering-place, but on the very house-top of the nation, we behold, and without a single expression of remonstrance or regret from the assembled peerage of the Empire, one nobleman sending forth his wrathful fulmination against the honesty and truth of ministers of religion."

The Prince Consort, whom all loved and respected for his high character and sound judgment, on one occasion said publicly, "I have no fear for the Church so long as we hold fast to what our ancestors won for us by the Reformation, a free Gospel, and the unfettered right of its use." And when the system of national education was first set up, and it was brought under the consideration of the presbyters of Edinburgh, that truly great man and sincere Christian, the late Dr. Chalmers, brought up the report of the committee appointed to consider the subject, and said—

"I am bound, after making all possible inquiry, to declare that I am more averse to the system and more fearful of its consequences than before."

The report of the committee stated—

"For four or five days in the week the use of the Bible as a school-book is prohibited, and that not because of its literary unfitness for the purpose, but of its religious unfitness in the estimation of the Catholic priesthood. The most common effect of the regulation is the prohibition of Scriptural instruction to which it subjects the Protestant Church. But in the minds of the committee there is another strong objection against it, which could not be done away with, even though other days were allowed, and other methods pointed out, by which the absence of Scriptural instruction could be compensated for. The objection is, that the State now for the first time lays a practical restriction upon the use of the Scriptures."

Now, there was a consideration which seemed to put the question in a strong and clear light. In England the Church was allowed to make the use of its catechism essential in its schools: and when the Dissenterss objected to it, the Lords of the Education Committee of Privy Council, said—

"Their Lordships regret that the children of Dissenters should not be admissible into the Church schools without the requirement of the catechism; and their Lordships would rejoice in any change of ther︎ ulations in the Church schools. While, on the one hand, however, they regard with respect the scruples of those parents who may object to their children learning the catechism, yet they cannot insist on a withdrawal of it, which would practically exclude the children of the Church of England."

He (Mr. Napier) appealed to the common sense of that House and of the people of this country, whether this was justice? Why should the Irish Protestants be forbidden to use the Bible, as freely as English Protestants could use their catechism? Every Protestant Dissenting denomination in England made use of the Scriptures in their schools, and were allowed to do so. The Established Church in this country was allowed not only to teach the Scriptures in her schools, but to make her catechism an essential part of her teaching; and the Council of Education, when applied to on the latter point by a Dissenting body, merely expressed their regret, but declined to interfere with the schools. Now, the Protestant Church in Ireland had never insisted on the catechism for all; but because she desired to have the Word of God taught to the young, she was told no share of public money would be given to her for all; though she was far more liberal than the Church in England, and claimed only that which was allowed to every kind of Dissenters. They were going to have equality of taxation for both countries. Well and good. But, they denied to the Protestants of Ireland the smallest public assistance, while they gave it to all classes here. He asked, was that justice? Let them, then, clearly understand what was going to be done. Let them tell the Protestants of Ireland, that, if they continued to insist on their conscientious objections, they would afford them no assistance. And, then, this would occur—they would have a large portion of the people—forming, as the Protestants did, one-third of the population of Ireland, who were to be subjected to an equality of taxation with this country, and, who, as the wealthier class, would contribute far more than the Roman Catholics, deprived of any assistance from the taxes of the State for the purposes of education. If that was the principle on which they were to act, he would ask if it was the principle on which the system was established? He contended that Lord Derby had never intended to have such a system as had been described, but had meant it to be comprehensive and united—that all classes and denominations should have the benefit of it—that it was, in short, to be a national system of education. In the Report of 1846, the Commissioners said, that though it was not essential that there should be an actual mixture of children of all religious persuasions in the schools, it was essential that every school should be open to all; and that the secular instruction should be kept separate from the religious. Well, but not above a year or two ago, when the extension of this secular system to England was proposed, the leaders of the party opposite concurred with the leaders on his (Mr. Napier's) side in opposing the proposition, and two noble Lords equally eminent in the Protestant and Roman Catholic Churches (Lord Ashley and Lord Arundel), united to resist it. Yet, for opposing the same system now, he (Mr. Napier) was to be stigmatised as a bigot. Why, the principle he contended for had been ably advocated by the noble Lord himself (Lord J. Russell) in introducing his educational scheme not long ago—the necessity of uniting the secular with the religious instruction. It was to endeavour to effect impossibilities—to seek to blend in one system tenets of opposite and antagonistic principles, the principle of the sufficiency of Scripture, and the principle of the supremacy of ecclesiastical despotism. It was impossible to reconcile these principles. If a Protestant clergyman wished to act under the national system, and a single Roman Catholic child were in his school, he might be prohibited from giving any Scriptural instruction during school hours. Supposing the clergyman was conscientiously convinced of the necessity for religious instruction connected with secular teaching, how could he possibly assist in such a system? If the system were carried out, it resulted in a cold, secular species of education, precisely such as had been deprecated and denounced in that House by the most eminent men in it. The injustice of this was so obvious that it was recognised by travellers and writers in Ireland the most unbiassed and impartial. Thus, a gentleman well known, Mr. Buxton, had lately written a very excellent little work, in which he admitted the grievances the national system entailed on the Protestant clergymen. Let the results of the system be observed. Had it produced a united system of education? It had not. Was it fair to say that this was the fault of the Protestant clergy, who did not join it? Was it not rather the fault of those who imposed on them unjust restrictions, which prevented them from joining it? The noble Lord himself had borne ample evidence to the character of the clergy of the Irish Church; and was it not more to their credit than otherwise, that they should decline to adopt a system of which they conscientiously disapproved? Surely it was a hard case upon them; and every means ought to be devised for the purpose of relieving them from the hardship. It was no answer to tell them they were in a minority in Ireland; and it was rather to be rejoiced at that there should be a body of clergy in Ireland ready at some sacrifices to support their principles, and proving by their honest and conscientious consistency that there could be a State Church not the slave of any political party, nor subservient to Ministerial influence. Yet, because they thus discharged their duty, as they deemed it, they were excluded from all share in the educational grants. Was this just? In one paragraph of the original letter of the noble Lord, it was stated that though the list of books included works of sacred history, it was not intended to supersede a religious education. This showed that the country was to have religious instruction as well as secular; but, strange to say, the paragraph was dropped altogether out of the printed copy of this letter in a subsequent annual Report. The right hon. Baronet (Sir J. Young) had said the national system applied to two-thirds of the population, who were Roman Catholics; but why was the Protestant third to be excluded from its benefit? The late Mr. Sheil said that no system of education could be called national to which Protestants could take any fair objection. Protestants, however, objected to this system, because it was not based upon the principle of religion, or of the Reformation: therefore it could not be justly called a national system. He (Mr. Napier) consequently demanded and courted inquiry into the two systems. By such inquiry he would be enabled to prove that in many cases where the two schools were in operation, Roman Catholic children came to the Church schools in preference to the national schools. He was sorry to hear the right hon. Baronet speak of bribing children. He was prepared to prove that such was not the case. No children were bribed or compelled to come to them, more than they were to come to church; but the clergyman had his standard system in church and in school—a system provided for all—and he would not depart from it in the one, or permit it to be blinked in the other. By the national system, however, a clergyman might be compelled to avoid teaching even the Protestant children the doctrines of Christianity. The right hon. Baronet had spoken of the Presbyterian schools in the north of Ireland. It was a singular fact, however, that only in one instance a Roman Catholic priest and Presbyterian clergyman joined in these schools out of 400 in all. In the west of Ireland schools there was not one of the Presbyterian Mission schools under the Board; while in the diocese of Tuam, where 10,000 children were attending scriptural model schools, there was not one either. The schools, in his opinion, were like fine shops with plate-glass windows—all show outside; but in the ordinary schools, most inferior articles; this was in regard to the quality and character of the education given in them. He (Mr. Napier) found in the report of the head inspector, Mr. M'Creedy, page 203, that in a very large inspection the attendance was bad at these schools, the numbers having fallen off full fifty per cent; the instruction inferior—geography, arithmetic, writing, grammar, and the other branches of education professed to be taught, being altogether neglected. That almost every one of the schools visited by him were unsatisfactory—some of them most unsatisfactory—that in some there were no copy books, and in others no reading books; and yet that these schools were even superior to those which his colleagues had to report upon. If hon. Members would only take the trouble of reading this Report of the Inspectors, they would be in a position to judge for themselves. The Protestant clergy had no possible objection to giving as good a system of general education as the Government might desire; but this plan was taken in respect to them—that whereas in England there was secular education without any interference with religious belief; in Ireland there was a neglect of secular education, and an interference with religion. Out of forty-nine schools inspected by this gentleman, four only were tolerable, but there were thirty-three reported as bad. And yet these schools were of the better description. The clergy schools did for Ireland that which was effected in the Protestant schools of England. Assistance, however, was denied them unless they took it on condition of restricting the use of the Bible. He appealed, therefore, to the House for inquiry into the matter. If the national system was good, it would bear inquiry; inquiry could not subvert it. He only asked a fair selection of persons on both sides of the House, and he challenged a comparison of the two systems. If the principle of the Reformation was wrong, then they should be content to live under the stigma of bigots; but they were, he repeated, willing and anxious to give an equally good education to the people of Ireland, based upon religion, as that of the national scheme. By that principle they would abide. He did not say that the money was a matter of no consequence; but he did say that the principle was of a magnitude far greater, and he sincerely hoped that, whatever might betide, the Church never would, for any pecuniary consideration whatsoever, consent to tamper even for a moment with the essence of all education—a knowledge of that religion and of those truths and duties on which the future hopes of man depended.

Viscount MONCK said, that after the concurrent testimony with respect to this system of education borne by every Government for the last twenty-one years, after the repeated divisions which had taken place in that House, and after the emphatic declarations which had been made both in that House and in another place by the leading Members of the late Administration, he had hoped the matter had been set at rest, and that no Member of the late Government would have reopened the question, when so doing could be attended with no practical result. His hon. Friend (Mr. Hamilton) had, as he had stated, brought forward this question upon several occasions, in the form of an address to the Crown for a change in the system of education adopted by the National Board; but he had not explained his reasons for now bringing it forward in this particular form—namely, that of a Motion for a Committee of Inquiry into the working of the system. He (Viscount Monck) would endeavour to put the House in possession of the reasons which had caused this change of form. He should not refer to the past for the purposes of political recrimination, but he thought there were some subjects which ought to be excluded from the domain of party politics; and they would do a serious injury to the cause of education in Ireland if they gave the people of that country reason to believe that their conduct in respect of this question depended upon which side of Mr. Speaker's Chair they sat. He did not believe his hon.

Friend wished directly to destroy this system of education, but he must appeal from the Motion to the speeches which had been made in favour of it, than which he had never listened to any more condemnatory of the system. On the 21st August, 1848, his hon. Friend brought forward a Motion for an humble Address to Her Majesty, praying her to direct a modification to be made in the system of national education. He could then induce only fifteen hon. Members to vote with him. On the 21st June, 1849, he got a minority of 102, in which were included almost all the Members of the late Administration. The same thing occurred in the following year, when his hon. Friend had a still increasing minority. In 1851, the vote was passed *sub silentio*; but, on the 6th February, 1852, his hon. Friend gave notice of a Motion in the same terms as that which he had made in 1848. Lord Derby's Government was formed before the day appointed for that Motion arrived, and the notice disappeared from the books of the House. The true explanation of the change of form in the Motion that had since been made, would be found in what, with the permission of the House, he was about to state. On the 3rd June, 1852, the right hon. Member for Midhurst (Mr. Walpole), in reply to an hon. Member, said that the Government certainly thought a variation ought to take place from the previous practice in the distribution of the grant. On the 19th November, 1852, the late Secretary for Ireland (Lord Naas) stated that he was not aware of an intimation having been given by the Government that it was their intention to propose an alteration in the system—that it was not their intention to do so, and that they would view with regret any alteration which would interfere with its efficiency, or deprive the people of Ireland of the benefits they had derived from it. [Lord NAAS: Read on. Read the whole.] The Government, he said, would not initiate an investigation; but if any hon. Member chose to propose it, they would not oppose it. Thus Government appeared to have taken a very creditable resolution, opposed to the one they had at first taken upon imperfect information, and which must have been distasteful to many of their supporters in Ireland. His hon. Friend had stated as the reason for the change in the form of his Resolution, that an issue in fact had been raised in the discussions on the subject; but he wanted to know if that were the true cause of the change—whether that issue in fact had not been raised in 1848, 1849, 1850, and in February 1852, up to which last period the Motion had been brought forward in its old form? He (Viscount Monck) believed this inquiry was not necessary. If the late Government had considered it necessary, they ought to have initiated it themselves. Did they expect that, if a Committee were now appointed, it would report otherwise than every Committee and Commission of that House had reported? Even if it did, could they satisfy men who, like his hon. Friend, had a conscientious objection to the principle on which national education was based, of its propriety? He fully appreciated the essential importance of the religious element in education. But the time had gone by when it was possible for them to contemplate the subject from the religious point of view alone. In this country the education of the people had become an industrial necessity. It must be considered, in another point of view, with reference to the people of Ireland. He agreed with Lord Derby in thinking that there existed a voracious appetite for education in Ireland. The Commissioners, in 1812, stated that the lower classes were already obtaining some kind of education for themselves; and their education might be improved, but it could not be prevented. All the systems which had been attempted up to 1830 had proved failures, because they did not attend to the recommendation of the Commissioners, to provide for secular education without interfering with religious tenets. His right hon. Friend had stated that the basis of the system was noninterference with religious tenets. The principle of combined instruction to children of different denominations must be admitted to be sound in the abstract, as it tended to cultivate that friendship and charity amongst them which every religious creed ought to inculcate. The clergy of the Established Church had precisely the same influence on the minds of the children under their charge as was possessed by the clergy of the Roman Catholic Church. Returns had been made last year by the Commissioners of Education, which, when they were laid on the table, he had no doubt would fully bear out his proposition, that where the clergy approved of the system, the children attended the schools. He had obtained some returns from clergymen of his acquaintance, amongst whom was the Dean of Clonfert, which he would read to the House. That clergyman was appointed to the parish of which he the incumbent is now, in November, 1848, at which tim eall the schools in the district under the care of the clergy of the Established Church were unconnected with the Board, and no Protestant children attended the national schools. There were now eight schools in connexion with the National Board, four of which were under the exclusive superintendence of the Protestant clergy, with an attendance of 160 children of the Established, and 114 of the Roman Catholic Church. There were three of them under the exclusive management of the Roman Catholic Church, at which there were 54 children of the Established, and 264 of the Roman Catholic Church. Therefore, the observation of his right hon. Friend was just—that if the Protestant clergy exercised their influence, the system might be made much more efficient than it was at present. The workhouse schools in Ireland showed that, where the system was fairly tried, it worked efficiently. There were 163 unions in Ireland, and up to the 31st December, 1851, there were 128 of the workhouse schools under the charge of the National Board. No complaint had been made of the working of the system in those schools, and he had not heard of a single clergyman having refused to become chaplain to the workhouse school on the ground that the national system was in force in the Establishment. On the contrary, they had everywhere been willing to attend the schools. Much had been said of the conscientious nature of the objections to this system; but when hon. Gentlemen wished to influence the administration of national grants by their conscientious objections, they had a right to ask whether these objections were reasonable? It was unreasonable for any religious sect to say they were hardly treated because they were not allowed to make their own religious instruction a condition precedent to giving secular instruction to any children. Dr. Doyle had said before the Committee of 1830 that it was inconsistent with the notions of Roman Catholics to give the Scriptures to a child to read, leaving him to form what opinions he pleased upon them. He agreed with Dr. Doyle in thinking that this was not the proper way to communicate religious instruction to children. They were told that this was a question of the infringement of a great Protestant principle; but it was an infringement of the liberty of conscience to refuse to allow Roman Catholics to be educated in the religious principles of which they approved. He could understand how the clergy of an unendowed Church could oppose this system, but not how it could be opposed by the clergy of a Church which had endowments for the purpose of giving religious education to the people. In conclusion, he would lift his voice in solemn warning to them against taking any steps which would have the effect of weakening public confidence in a system of education which had taken deep root in the affections of the people of Ireland, and which was doing more than any other system had done, to elevate the social condition and provide for the future prosperity and happiness of the people of that country.

Mr. LUCAS said, as far as he understood the question now before the House, the noble Lord (Lord J. Russell) and the Members of the Government generally had two opinions on the subject of religious education: one an English opinion, applicable to English education; another an Irish opinion, applicable to Irish education. He confessed that he preferred, of the two authorities spoken out of the same lips, the English to the Irish opinion: he thought the opinion that hon. and right hon. Gentlemen entertained as applied to education in England was sound—that the opinion they entertained as regarded Irish education was unsound; and he could not understand why there should be a different system for the poor in Ireland from that which they recognised as right, true, and sound in this country. But he believed that what existed in Ireland existed only, and was tolerated only, because it was in name one thing, and in practice another. He believed that the national system of education in Ireland was, not in form but in substance, a separate system of education. He believed that it was tolerated and existed only because it was a separate system, and that if by any calamity it could become a united system, it would either fall in pieces, or be productive of the greatest evils to the people of Ireland. He agreed with a very great part of what had fallen from hon. Gentleman on that (the Opposition) side of the House, but had a great difficulty in agreeing with the Motion they had laid on the table of the House, because he was not able to satisfy himself of the motives they had in view. As to the Motion itself, it had his hearty assent, so far as he understood its meaning; but as to the object of its supporters—which, if he misunderstood it, he should be glad to have explained—he could not feel perfectly clear. He never would put himself in the position of refusing the members of the Established Church what he claimed for the members of his own—the right of having the poor of their own communion educated in the tenets of their own Church. He should be ashamed to put himself in that position: and if they, alleging on any ground that the system of mixed education was not satisfactory to them, wished to have the system of separate education instead, he was, and should be on all occasions, ready to support their claim; because otherwise he did not know how he could reasonably support his own. He said, then, that the system in Ireland which did succeed, was not a system of mixed education; that it failed in the essential elements which it was intended to maintain. It did not bring together Catholics and Protestants in the same school; at least there were very few mixed schools, and the system was not what it pretended to be. It would be infinitely more satisfactory to him, and to a great number of those who belonged to the Catholic Church in Ireland, if the thing could be made consistent in pretensions, honest, and just, and fair in administration—if it could be made a Catholic education for Catholics, a Protestant for Protestants, and a Presbyterian for Presbyterians, each school being what it professed to be. Still there was this difficulty about supporting hon. Gentlemen on his side of the House, that he feared they did not in fact wish to have the fund distributed in fair proportions between the various religious denominations, according to the numbers and necessities of each. He asked them categorically, was that their object, or was it another, at which they were aiming? He wanted a yes or no to remove his doubts upon this subject. In the debates of 1848 and 1849 the hon. Gentleman (Mr. Hamilton) and the right hon. Gentleman the member for Midhurst, (Mr. Walpole) and others, clearly enough stated that, they wished to have the grants made to the Church Education Society. Did they now want to establish, not a separate system, but a "united Scriptural education," in which were to be brought together 120,000 children under the tuition of the bishops and clergy of the Established Church, 44,000 of those children being Roman Catholics? If that were the system which they wished to establish by means of a public grant, then, he said, avow it at once; let there be no mistake that it was the old system of the Kildare-street schools which they wished to promote, and in that case they would receive from him and those who thought with him the strongest and bitterest opposition. If these schools were established on the basis laid down in these speeches, then they came to this—that grants were wanted to establish schools into which the children of Catholics were to be allowed for purposes of proselytism. If such was their intention, let it be avowed plainly to the House. It was a matter of question how Catholic children were brought at all into schools in which the formularies of the Church of England were taught. He happened to know the means taken to make them go there. Lord Clancarty, in a letter dated January, 1853—containing therefore the expression of present opinions, intentions, and wishes, not of desires long since departed—instructed his agent who had to deal with a population entirely Catholic, to require that the future farmers and occupiers of land on his estate should not be educated in a state of helpless ignorance—by which "helpless ignorance" his Lordship meant to describe the difference between attending the national schools, where there were Catholic masters, and attending the Church Education Society schools, where there were only Protestant masters. His Lordship "could not, therefore, pass over the conduct of those who had withdrawn from the school"—who had attended the national school instead of his—and had preferred Catholic education to Protestant proselytism; and though "he did not pretend to dictate," he only "required"—he desired his agent to inform the tenants that while "strict justice" would be done to all, favour would be done to none who had failed in having their children "properly instructed"—instructed, that was, by the Church Education Society. His Lordship would have strict justice, which, where there was misfortune—an arrear of rent—was a term easily comprehended, for those whose children did not go to schools provided for what he (Mr. Lucas) should call the ruin of their souls by the noble Lord and landlord of Ballinasloe. In another place, and only the other day, Lord Clancarty had expressed himself as most anxious that Catholics should have a grant as well as Protestants. Had his Lordship and his friends changed their intentions? Did they mean to vote for Catholics, for Presbyterians, and for Protestants, what their several necessities required? If he saw any chance that hon. Members upon his side of the House would, in good faith, carry out the principle he had shadowed out, he should regret that the right hon. Baronet the Secretary for Ireland had refused to grant the Committee. For himself, he felt no confidence in the management of the National Board. He regarded it as a system which depended absolutely upon the hands into which its administration might fall, whether it would work for good or for evil. He had heard rumours about the present Archbishop of Dublin having threatened to resign his seat at the Board if certain things were not done according to his wishes, and his own books were not allowed to be used at the schools. It had also been rumoured that the late Lord Chancellor Blackburne had actually a resolution before the Board, which was awaiting the result of the deliberations in the House of Commons. There were, therefore, the two facts before the House—the threat of the Archbishop of Dublin and of the Lord Chancellor to resign, as the first step towards an alteration in the management, if certain books were not allowed to be introduced—and the inevitable consequences, of the withdrawal of the great bulk of Catholic support from the National Board, and the entire destruction of the system, if the use of these were permitted. What he wished to see was, that House lending its assistance to a separate system of education. He was opposed to this so-called united system, believing it to be highly injurious; and, entertaining this opinion, he would not be led to sanction any resolution if it was not made perfectly clear to his mind that the purpose which it contemplated was really intended, and was to be fairly carried out. The interests of the Catholic poor were too sacred to be tampered with in any such manner. Neither would he give his vote in favour of the grant of a large sum for the purpose of establishing proselytising schools, into which the Catholic children were to be dragooned by fanatical or unscrupulous landlords, who might put upon their parents the screw of the "hanging gale of rent," and thus coerce them to send their children to schools in which instruction contrary to their conscientious feelings and their own convictions would be forced upon them from the calamity of their being poor and unprotected.

Lord NAAS said, he was sorry the hon. Member had thought it necessary to infuse into a debate, which had hitherto been conducted with so much good temper on both sides, a spirit which would neither conduce to the better understanding of the question, nor throw any additional light upon the matter before the House. The hon. Member had taken that opportunity of making a personal attack upon a respected nobleman, without giving notice of his intention so to do, and in a manner against which that nobleman could not be expected to defend himself.

Mr. LUCAS said, he must beg to explain that he had on the previous day given notice of his intention to the hon. Mover of the Resolution, who, in reply to his inquiry, said it was not necessary that he should give any further notice.

Lord NAAS said, he was not before aware of that circumstance; but whether the hon. Member had or had not given the notice, he (Lord Naas) maintained that such an attack upon one who had contributed so largely to the welfare, both temporal and spiritual, of all around him, was not a matter which ought to be introduced into a debate of this kind. Lord Clancarty had, no doubt, used his influence from time to time for the propagation of those principles which he believed to be right; but he (Lord Naas) thought it could in no single instance be proved that he had brought any other influence to bear in support of what he conceived to be the truth, than the legitimate influences of argument and persuasion; and he utterly disbelieved the statement that the noble Earl had exercised his influence as a landlord, by putting the "screw" upon his tenants, or keeping the "hanging gale of rent" over their heads—a course of conduct which ought to be reprobated in the strongest possible manner by every honest man. The noble Lord the Member for Portsmouth (Viscount Monck) had made a statement that night which had taken him (Lord Naas) completely by surprise. The noble Lord said that the conduct pursued by hon. Members on that (the Opposition) side of the House was characterised by such inconsistency as to be utterly incomprehensible to him; and in the absence of that candour which usually distinguished his proceedings, the noble Lord quoted a statement which was made by him (Lord Naas) in November last, in answer to a question put to him by the hon. Gentleman the present Secretary to the Admiralty (Mr. B. Osborne). What the noble Lord had done was, to read a part of his (Lord Naas's) answer to the hon. Gentleman's question, and neglect to read the rest. Now, it was perfectly true that he did say that the Government of that day were not prepared to propose any alteration in the existing system of national education in Ireland. It was perfectly true that he said they would view with apprehension any attempt that might be made to withdraw from Ireland the benefits which that system had undoubtedly conferred upon that country. These were opinions of which he was not ashamed, and which he would be ever ready to maintain. But in addition to that he said—

> "If it shall seem to any hon. Gentleman on either side of the House either that the object for which that system was originally established has not been fully carried out, or that by an addition to, or the amendment of, any of the existing rules, conscientious scruples might be avoided, and extended spheres of usefulness given to the system, it would be the duty of Government not only to acquiesce, but to assist in such an inquiry to the utmost of their power, and to give any proposal that was made of that nature all the care and consideration which the difficulty and delicacy of the subject demand."—[3 *Hansard*, cxxiii. 247.]

He asked, then, whether, after expressing such an opinion as that, he could consistently act in any other way than to give his cordial support to the Motion of his hon. Friend (Mr. Hamilton). He believed the time had now arrived when it would be advantageous to inquire how far the original intentions of the founders of this system had been carried into effect, and how far the system which had now for twenty years been established in Ireland was or was not a combined and united system of education. By the regulations on which these schools were founded, it was intended that children of different religious denominations should be educated under the same roof. They wished to inquire whether that was actually the case, and whether these schools were or were not a fair specimen of the system. He believed that the reason why the national system had obtained so strong a hold on the sympathies and affections of so great a portion of the people of Ireland was, that it was not a combined system of education. That might be readily proved by a reference to the number of children attending them. He held in his hand a return, made so late as July last, of the number of Roman Catholic, Church of England, and Presbyterian children then attending those schools. The Report stated that on the 31st March, 1852, of 491,927 children, 24,684 belonged to the Established Church, 424,917 to the Roman Catholic, 40,618 to the Presbyterian Church, and 1,908 to other Protestant denominations. In point of fact, the children belonging to the Established Church attending the schools were to the Roman Catholic children in the proportion of 24,000 to 424,000. It was impossible, therefore, to say that the system was a united one. Out of 4,705 schools, 2,778 were under the patronage of Roman Catholic priests, and only 147 under the clergy of the Established Church. To prove that this was not a joint system, he begged to call the attention of the House to the fact, that the number of schools under the joint management of the Roman Catholic priests and the Established Clergy were only eight. He did not wish to deny that the system of national education had conferred great benefit on the people of Ireland. The effect of it had been to diffuse books of a very superior order to those that were issued before it existed, and to give sound instruction to the people in many secular matters. The question now for consideration was, whether they could not, without damaging the efficiency of the present system, make such alterations in it as would enlist the sympathy of the whole of the people of Ireland in its favour. The hon. Member for Meath (Mr. Lucas) had asked him whether he thought it possible to establish a system by which Roman Catholics might be educated by Protestant clergy. In his opinion that was impossible. He disclaimed all desire to convert a system of education supported by the public funds into a system of proselytism. On behalf of a large body of men—out of deference to their conscientious scruples—he wished an inquiry to be instituted to ascertain whether, without damaging or annihilating the present system, they might not be able to secure for it the sympathy and support of that large and influential body. It could not be denied that the rules had been so framed that almost the whole Roman Catholic children of Ireland were included in the schools, and that their effect had been to deprive an influential minority of the advantages of the system. He thought it unworthy any Government to refuse to such a body their demand for inquiry. He disclaimed any intention of obstructing the national system. Hon. Gentlemen were very much mistaken if they supposed that the model schools were specimens of the schools throughout the country. He hoped he had said enough to show that no danger was threatened to the present system—no attack was intended by the Motion now before them.

SIR JAMES GRAHAM: Having been associated, Sir, with the Earl of Derby in the Administration of Earl Grey, when the system of national education in Ireland was originally founded—having always taken the deepest interest in its success—having, amid every variety of circumstance, uniformly supported it—differing, as I do, from the noble Lord who has just sat down, in thinking that there is an attack, hardly concealed, on the system itself in the present Motion—and feeling that system to be in danger, I should not, I think, be discharging my duty if I failed to address a few words to the House before the debate closes. I was anxious to hear from the noble Lord (Lord Naas) an unequivocal declaration with reference to the pertinent question which was put by the hon. Member for Meath (Mr. Lucas). I wished to hear it distinctly stated whether there was on the opposite side of the House, and on the part of those who have promoted this Motion, a desire to obtain for the Church Education Society separate grants for their own schools or not. I know not, of course, what is their intention at present, but I am sure that at no very distant period those who have promoted this Motion to-night, and who brought it forward on a former occasion, did entertain such a wish, and did not conceal it. Now with reference to the proposed inquiry, it is absolutely necessary to consider what has been urged by those who have taken part already in this debate. I think I am not wrong in saying that I heard, or thought I heard, the hon. Member for the University of Dublin (Mr. Hamilton) declare to-night that the time had arrived when it was necessary to abandon this "phantom," as he called it, of mixed education in Ireland. ["Hear, hear!"] Surely, the hon. Member used that expression; and if he used it, there cannot, I think, be a doubt of the objects and motives which have actuated him in bringing forward the present Motion. The hon. and learned Member for the University of Cambridge (Mr. Wigram), who seconded the Motion, as I understood him, put the claims of the parochial clergy as high as this—that it was not only their duty but their right to administer the religious education of the whole of their parishioners. Now, probably this declaration may win for the Motion the support of the hon. Member for Meath. He, too, is desirous that education, in connexion with religion, should be confided to priests alone. That hon. Member says, that he is most anxious that in any vote he gives, the interests of the poor of Ireland shall be considered. Now, I am actuated in resisting the Motion by the same motives. It is for the sake of the poor of Ireland—for the sake of the great body of the people of Ireland, that I am most sincerely anxious that the system of mixed education should be preserved. I challenge the facts of the case, and I do contend that in the main the system of mixed education has succeeded to the full extent which its authors, considering the difficulty of the circumstances, could have expected. There are in that country 520,000 children now in progress of being educated under this system. Of that number, 70,000 are Protestant children; and of that number of Protestant children, 24,000 are children belonging to the Church of England, the rest being principally Presbyterians. Now, the hon. Member for Meath says that there is great inconsistency in those who advocate the system of mixed education in Ireland, and at the same time are not prepared to extend it to England. The circumstances of the two countries are entirely different. In England the members of the Established Church constitute the majority; but in England there is also a great variety of sects opposed to the Established Church. The system here has been to grant to the Church, and to the bodies dissenting from the Church, separate grants, with the view of educating the children belonging to the Church and to these different bodies separately; but with this proviso, that the religious education should also be given separately. In Ireland the circumstances are entirely different. The members of the Established Church are a small minority, while the members of the Roman Catholic Church constitute an immense majority; and the endeavour has been, by the exclusion of all religious teaching from the system of joint education, to combine in one common system the children of the different creeds. Now, it is most important that there should be no doubt of what was the original principle on which the system was founded. I contend that there can be no mistake as to what were the Earl of Derby's intentions when he founded the system. In the original statement of his plan, and in the plan itself as originally established, provision was made that the instruction should be altogether secular. The introduction of Scripture extracts was subsequent to the original introduction of the plan. It formed no part of the original plan; and even now the Scripture extracts are not enjoined as any portion of the teaching in the national schools. They are merely permitted to be taught, subject to the absolute veto of the parents of any one child who may object to the use of these extracts. Such is the rule now; such was the rule from the first commencement of the system. It has been said that the late Government were not unwilling to have permitted an inquiry of this description, provided the proposal had been brought forward by independent Members. I am afraid that under that limitation neither of the Members of the University of Dublin, considering their relations to that Government, could have been the mover or seconder of such a Motion under the late Administration. But was it really necessary for the Earl of Derby—the author of the system—to have an inquiry by a Committee?—to have informed himself of what was the success or failure of the system? We have it from himself, that he, the author of the system, having the deepest interest in its success, and occupying the highest situation in the Government, after conferring with the Lord Lieutenant, and making every inquiry, had come to the conclusion that no material change could be effected in the system consistently with its maintenance. If any doubt could be entertained of what was the feeling of the hon. and learned Gentleman the Member for the University of Dublin, who was lately Attorney General, with regard to the question, it would be removed by what I am now going to read to the House. I think I am correct when I state that when he first stood for the University of Dublin, in 1847, I think he stated in his address—

> "I am thoroughly adverse to the delusive scheme of Irish national education. No system, I conceive, can prosper in which the word of God is not sincerely honoured as the greatest blessing to a nation. It should be remembered that the wisdom from above is first pure, then peaceable; and I cannot compromise that principle."

Now, from this principle the hon. Gentleman has never receded. When he became a Member of the Earl of Derby's Government he suspended his hostility to it, having reason to believe that some inquiry would be instituted into it; and with perfect honour, pending that question as to an inquiry, he remained a Member of the Government. After the Earl of Derby had stated that no change was to be effected, it is not our business to inquire what course the hon. Gentleman might have taken; but, consistently with his honour, he continued to hold office up to the time the Government was dissolved; and I must say that I consider his conduct to-night, in bringing forward the Motion, as quite consistent with his avowed hostility to the system. And here, in passing, I may be allowed to make one observation, that it appears most extraordinary that the two principal promoters of the Motion should be in this peculiar position, that they are the representatives of the University which does give to the rich of Ireland a purely secular education, without the slightest tincture or admixture of religious teaching; and at the same time they are the persons who are most prominent in denying to the poor of Ireland the very benefit which that University has so long conferred, and I hope will long continue to confer, on the upper classes. I would observe that the speech of the hon. Member for Meath was a striking practical illustration of a truth for which on former occasions I have contended, and which I think it most desirable that the House should bear in mind before assenting to an inquiry really subversive of the principle of mixed education—and it is this: that the great body of the Protestant clergy of Ireland concur with a very large portion of the Roman Catholic priesthood of Ireland in earnestly desiring the overthrow of the mixed system of education, with the view of obtaining separate grants for the purpose of proselytising and of teaching in conformity with their respective creeds. Now, what is the fact? I am speaking, of course, on the authority of others; but I have reason to believe that there is a marked difference between the priesthood and the laity, without distinction of creed, on this question. I believe that Dr. Daly, the Protestant Bishop of Waterford, is most hostile to the mixed system of education; and that—I was about to say—notwithstanding the Ecclesiastical Titles Act, the Roman Catholic Bishop of Waterford (Dr. Foran) is also actuated by the same hostility. But what is the fact, with regard to the laity? The laity of Waterford, both Protestant and Roman Catholic, are most anxious to establish in Waterford a model school in connexion with the system of mixed education, and have presented a memorial to that effect; and I believe that, in pursuance of the wish of the laity, a model school in connexion with the system is about to be established. What has been the result of this system of mixed teaching? I believe that there is no country in Europe where education is given on a larger scale, or where, notwithstanding the religious differences of the people, Scripture knowledge is more widely diffused, than in Ireland at this moment. I contend that a clergyman of the Established Church, who is a patron of a school belonging to the National Society, has at this time every opportunity of administering to the youth of the Church attending that school not only instruction in the Holy Scriptures, but in the Church catechism, and in all the particular doctrines of the Church of England, to the utmost possible extent that he can desire, though not in the hours devoted to secular instruction. Nor is this right peculiar to him. Every minister of the different persuasions—whether Protestant or Roman Catholic—has the same right of attending the school, and of administering religious instruction to the children, in connexion with his own persuasion, day by day. What really is the pretension of the Church Education Society? They pretend that their claim is neither more nor less than this: to be put on the same footing as the Dissenters of England. Now, the Dissenters of England, if they send their children to the schools of the National Society, must submit to have their children taught the Church catechism, and the creed of the Established Church. But in the national schools of Ireland the case is exactly the reverse. The children need not be taught any religious instruction from which the parent dissents; and the desire of the Church Education Society is to obtain aid from the public purse to teach a creed from which the larger portion of the population is dissentient. The object of the present Motion is to establish a system with separate grants; and what will be the consequence? The claim of the Roman Catholics will then be irresistible. Your grants must then bear reference to the respective numbers of the different sects, and, the Roman Catholics being by far the most numerous, the largest proportion of the grants must be given to them, for their exclusive benefit and use, and much the smallest portion to the Church of England. I warn the House from yielding to this Motion; it is not in a covert sense seeking to dissemble the desire of abandoning "the phantom of mixed education," but it is for the avowed purpose of establishing a separate system with a separate grant; and what will be the consequence? The claim put forward by the hon. Member for Meath will be irresistible; the claim of the Roman Catholics to a participation in that grant will be in reference to their numbers, and that claim, too, will be irresistible. The flame of religious discord would then indeed be spread throughout the country; a proselytising spirit would be added to the evils and sorrows of that country; and, instead of a scheme of peace and concord, you will have a great aggravation of all the ills and misfortunes which now afflict Ireland. Something has been said by the right hon. and learned Member for the University of Dublin (Mr. Napier) about the opinion of Dr. Chalmers with respect to mixed education. Now, is it true that Dr. Chalmers thought that secular education without religious teaching is incompatible with the good of a community? I have here the opinion of Dr. Chalmers, which was recorded within a short period of his lamented death. Dr. Chalmers's biographer says—

> "During the last few months of his life the subject of national education was much upon his mind. The following was written about a week before his death, and comes to us sealed with the impressive character of being the last formal expression of his truly enlightened judgment on any great public question. Dr. Chalmers says on this subject, 'I would suffer parents to select what part of education they wanted for their children, and would not force arithmetic upon them if all they wanted was writing and reading; and as little would I force any part of religious instruction that was given in the school, if all they wanted was secular education.'"

But I have a higher authority than even that of Dr. Chalmers. I have here the opinion of Archbishop Usher on this very point. Archbishop Usher, referring to the state of Ireland in his day, says—

> "The danger of this ignorance being, by the confession of the most judicious divines on both sides, acknowledged to be so great, the woful state of the poor country wherein I live is much to be lamented, where the people generally are suffered to perish for want of knowledge—the superstitions of Popery not doing them half that hurt that the ignorance of those common principles of the faith doth, which all true Christians are bound to learn The consideration whereof hath sometimes drawn me to treat with those of the opposite party, and to move them that, howsoever in other things we did differ one from another, yet we should join together in teaching those main points, the knowledge whereof was so necessary unto salvation, and of the truth whereof there was no controversy betwixt us."

And I am satisfied that if Archbishop Usher were now alive, he, the Primate, would be the patron of the national school in the city of Armagh. That is my firm conviction. Amid all these symptoms of religious difference it is impossible to conceal from ourselves that there lurks at the root a degree of political bitterness. Something has been said of the examination of witnesses before the Select Committee of 1837. I was a Member of that Committee. Here are answers to the questions 7,687 and 7,688, with reference to the alleged denial of the use of the Bible :—

> "As soon as the system was announced, meetings were got up in almost every town in Ulster. The great meeting of Rathfriland, at which Lord Roden presided, was the first. The people were led to believe that the Government were about to send round the police to take possession of their Bibles. To this meeting they carried their Bibles and flourished them over their heads, expressing their determination to die in defence of them. After this meeting gun-clubs were established, for the purpose of furnishing the peasantry with guns to protect their Bibles."

MR. BUTT : Whose evidence is that ?

SIR JAMES GRAHAM : I am not aware of the name. The evidence was given in answer to questions 7,687 and 7,688 of the Committee. If the hon. and learned Member will go to the library he will find it. A pamphlet has been published upon the system of Church Education Society by the Rev. Mr. Trench, and a most able one it is. I think I can show, from a fact mentioned by Mr. Trench, that there lurks under the semblance of religious differences the real venom of political animosity. In one town in Ireland, in which there is a national school and a Church Education school, Mr. Trench says—

> "In company with the landlord of the town I visited, first, the national school, and afterwards the Church Education school. In the national school we found the Scripture extracts were read. On our entering the Church Education school, the landlord, not being well acquainted with the principles of the Church Education school, asked the master whether the Scripture extracts were read in his school ? His reply was, 'Oh no, Sir; we are all Tories here !'"

But in this House the case is far otherwise. We are not all Tories here; and this House will act most unwisely if they consent to this inquiry, invited as they are, with an intention which hon. Gentlemen opposite have hardly dissembled this evening, to overthrow a system which has existed for twenty-two years, and which has, in my opinion, wrought infinite good to the people of Ireland. And is this good stationary ? The population of Ireland has been diminished by nearly 2,000,000. Do the numbers of the children attending these schools diminish in the same proportion ? On the contrary, the numbers of the children attending the schools have progressively increased during all the period of Ireland's greatest misfortune; and last year when the emigration was the greatest, the number of children in these schools was larger than was ever before known—amounting as it did to 520,000. I hope that Parliament will not, at the moment when its success is most certain and most promising —when the Earl of Derby, the author of the system, who has just had the opportunity of controlling its operation and correcting its defects, has told you that he cannot contemplate any change which shall not be injurious, nay, fatal, to the system—when you have had the example and experience of twenty-two years—when no reason can be given for this inquiry upon which any reliance can be placed, except that supplied by the language of the hon. Member (Mr. Hamilton), when he says that the time has come for abandoning the phantom of mixed education—that phantom being the reality which I have described—when you can have nothing more successful than a system embracing in its sphere a larger relative number of youths than are receiving the same education in any other country in Europe—I hope you will agree with me that it is highly inexpedient to agree to the Motion that has been made to-night.

MR. WHITESIDE said, he had listened to the right hon. Baronet to hear a reason for resisting the Motion of his hon. Friend the Member for the University of Dublin; and he found that his answer was, that the National Board was in danger, but that the system of national education was excellent, and that the more it was inquired into the more its advantages were discovered ; therefore the more inexpedient was it to have any inquiry. He believed the hon. Member for Meath (Mr. Lucas) spoke the truth when he said the Board was on the point of dissolution; and he believed there never was a moment when inquiry was more necessary than at the present moment. Now, he would answer the question put by the right hon. Gentleman (Sir J. Graham), because he admitted that, on a subject of this magnitude, there ought to be no equivocation, no subterfuge, and no attempt to catch a vote by misstating a principle, or misrepresenting the motives of persons. The real and the short question was, had they any grievances ? Now, he contended that they had, and he would state what they were by reference to the representations made by a clergyman in one of the largest towns in Ireland. That individual told him that he felt the clergy were in a wrong position in being opposed to the Government of the country. He asked him how that arose? His reply was, that having received a grant from the Government, he could not go into his school and read a chapter of the New Testament to the children without in the first instance putting up a placard stating it was his intention to do so. He (Mr. Whiteside) next asked why he did not warn off the premises all persons who might happen to be indisposed to hear read the words which (as the rev. gentleman said) he was bound by his ordination vows to make known to all men. He then asked him if he had any Roman Catholic children in the school. His reply was, "Yes; I have." "Why, then, if you make the school disagreeable to them, you may get rid of them, and read the Scriptures if you please." His answer was, "No; this is a parish school; it is open to all children, whether Roman Catholics, Episcopalians, or Dissenters, who may choose to enter within its walls, and against them I will never close it. The only condition on which they will enter is, that the New Testament shall not be read; and I never will submit to give instructions on those terms." Now, that was their grievance. If the clergy of this country were in a similar position, what, he would ask, would they do? He denied that the Protestants were only a small minority in Ireland. The Protestant population in that country, including all classes, was nearly equal to the population of Scotland; but, even supposing they were in a minority, were they to hear from the lips of a statesman like the right hon. Gentleman the Member for Carlisle, that it was consistent with reason and justice that what was right and true should vary and alter just as it happened that the men who advocated it were in a minority or a majority? Did the right hon. Gentleman think that either the Earl of Aberdeen or the Earl of Derby would alter their convictions? He begged to tell him, that the great bulk of the clergy of the Established Church in Ireland entertained the same opinions now that they did formerly, and ever would, on this question—that they have a right, and nothing more, to read the Scriptures in the Church schools—a right which they dare not exercise, if they obtain a grant from the Government, even in the parish school of the parish church. The hon. Member for Meath (Mr. Lucas) asked a plain and fair question—namely, what they meant to do? Now, if hon. Members would read the Report upon this subject, which contained as many as fifty pages, they would gain a great deal of most valuable information. They would there find an account of the system of education in Ireland, which he certainly read with great astonishment, being, until he perused it, under the false impression that it was the best system that ever existed in any country. But the hon. Member for Meath had put a fair question. The right hon. Baronet (Sir J. Graham) also asked if they wanted separate grants for the Established Church. Now, that point had been fully discussed; but he would give an answer, and, in the words suggested, namely, as to the best way of modifying the system, in order to meet the just demands of the Protestant laity and clergy in Ireland. The Protestant schools were attended by Protestants separately and almost exclusively; but it was a very high compliment to the Established Church that Roman Catholics, to the number of 40,000, came to those schools, when they very seldom went to the Presbyterian schools. Whether that arose from the children belonging to the Established Church being half Papists or not he did not know. But the right hon. Baronet asked for a direct answer: now, he would not give him an answer himself, but he would do so by reading a quotation from the evidence of the Bishop of Ossory, who was one of the most learned and accomplished men in the Church in Ireland. The plan which he sketched out was as follows. He said the system of secular education was the best that could be devised, considering the wants and all the circumstances of the country; that they should enforce this system in all the schools to which they gave aid, and ascertain that it was carried on *bonâ fide* in all such schools by means of periodical inspection; that no school should be excluded from connexion with the State on account of its religious instruction; but that every school should be admissible to such connexion which faithfully adhered to its engagements with the Government. That was the evidence of a learned, a sensible, and a prudent man; and he hoped the House would attach due weight to it. He would now leave it to the House to say, if they had an inquiry, whether there would be such an exhibition of religious feeling as the right hon. Baronet had alluded to when he spoke of men getting guns to preserve their Bibles. No debate had been conducted more fairly or more temperately; and he would say of the Roman Catholics what an hon. Member had stated, that it was a mistake to suppose they wholly objected to the Scriptures being read, because he knew of his own knowledge in many parts of Ireland, in which the Roman Catholic clergy allowed their flocks to use the Douay version of the Bible. He could tell the right hon. Baronet that it was a fact that there was a school to which he himself subscribed, which contained 150 children, when he last visited it, two years ago, and of these fifty-five were Roman Catholics. In this school the Scriptures were read every day, and that being so, what use was there in saying the children had been tampered with and frightened in order to induce them to attend the schools? He admitted they were not converted—not proselytised—and that they had not abandoned their religion; for, indeed, he saw no reason why Roman Catholics who read the Bible should change their religion. This inquiry, then, was commenced by justice and fairness. They asked only for inquiry into the existing system; if it proved to be good, then they could maintain it; if not, they must amend it by moderate modifications.

Mr. FAGAN moved the adjournment of the debate.

Lord JOHN RUSSELL said, he must oppose the Motion for an adjournment. This was a question upon which the House had frequently deliberated, and all its merits were sufficiently before the House. The hon. Gentleman (Mr. Hamilton), who had conducted the debate on the other side, had stated the whole case in the most powerful manner against the present national system of education. The hon. and learned Gentleman who last sat down had stated that what the Protestant clergy of Ireland wanted was, that they should have the power of reading the Bible in the authorised version to Roman Catholic children as well as to Protestant children. He was glad the hon. and learned Gentleman had stated thus openly and frankly the object of the Motion now before the House. It was true that object was implied in the nomination of the Committee. The House would observe that what the hon. Gentleman opposite wanted was, not a general Committee to inquire what had been the operation of the national system of education in Ireland, but a Committee to introduce into that system the modifications to which reference had been made during the debate. Well, supposing the House were to agree to those modifications, surely it would not be denied that the Roman Catholic priests should have a power similar to that given to the Protestant clergymen—that they should have the right to teach Protestant children the Roman Catholic doctrines which were contained in the formularies of their Church? Now, he asked the House whether the effect of this would not be to destroy the mixed system of education in Ireland? Agree to the proposal of the hon. Member who introduced the Motion, and they would have to establish at least two separate systems—one Roman Catholic, the other Protestant—and each endowed, perhaps, to the extent of 100,000*l.* or 120,000*l.* Why, this would be raising a new Maynooth question. As the subject had been sufficiently discussed already, he certainly should oppose the Motion for adjournment.

Mr. KIRK said, he had been intrusted with a short petition from Newry, which he had only received that day, in which the petitioners expressed their deep conviction that the national system of education was one of the greatest blessings ever conferred upon Ireland, and that, taking into consideration all the peculiar circumstances of the country, they believed it was the best practical system for Ireland, recognising as it did the right to a full enjoyment of religious freedom, and securing perfect liberty of conscience to those who availed themselves of it. This petition was signed by the Dean of Dromore, the Protestant rector, the Presbyterian and Methodist ministers, and the merchants of the town of all denominations, and it would have received the signature of the Roman Catholic bishop if he had had the opportunity of giving it.

Mr. FAGAN said, he was exceedingly anxious to express an opinion upon this question, in common, he believed, with many other hon. Members; but still, if it was the desire of the House to divide now, he had no wish to oppose himself to the general feeling.

Mr. CONOLLY said, he was quite of opinion that this question had not yet been fairly discussed, and he should, therefore, second the Motion of the hon. Member for an adjournment.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 28; Noes 262: Majority 234.

Main Question put.

The House *divided*:—Ayes 109; Noes 179: Majority 70.

List of the Ayes.

Adderley, C. B.
Alexander, J.
Archdall, Capt. M.
Bagge, W.
Ball, E.
Barrow, W. H.
Bateson, T.
Beresford, rt. hon. W.
Bernard, Visct.
Booth, Sir R. G.
Brooke, Lord
Brooke, Sir A. B.
Buller, Sir J. Y.
Butt, I.
Cabbell, B. B.
Cairns, H. M.
Campbell, Sir A. I.
Chambers, M.
Christopher,rt.hon.R.A.
Christy, S.
Clinton, Lord C. P.
Clive, R.
Cobbold, J. C.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davison, R.
Dod, J. W.
Duncombe, hon. W. E.
Egerton, Sir P.
Emlyn, Visct.
Farnham, E. B.
Floyer, J.
Forester, rt. hon. Col.
Frewen, C. H.
Galway, Visct.
George, J.
Gladstone, Capt.
Goddard, A. L.
Granby, Marq. of
Greaves, E.
Greenall, G.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, J. H.
Hayes, Sir E.
Henley, rt. hon. J. W.
Hume, W. F.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kendall, N.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Leslie, C. P.
Liddell, H. G.
Lockhart, W.
Lovaine, Lord
Lowther, Capt.
Macartney, G.
MacGregor, J.
Mandeville, Visct.
Manners, Lord J.
March, Earl of
Maxwell, hon. J. P.
Miles, W.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moore, R. S.
Mullings, J. R.
Naas, Lord
Neeld, J.
Neeld, J.
Newdegate, C. N.
North, Col.
Pakington, rt.hon.Sir J.
Palmer, R.
Percy, hon. J. W.
Seymer, H. K.
Smijth, Sir W.
Smyth, R. J.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Taylor, Col.
Tollemache, J.
Trollope, rt. hon. Sir J.
Turner, C.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Verner, Sir W.
Vivian, J. E.
Vyse, Capt. H.
Walcott, Adm.
Whiteside, J.
Wigram, L. T.
Wyndham, Gen.
Wynn, H. W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Hamilton, G. A.
Napier, J.

List of the Noes.

Acland, Sir T. D.
A'Court, C. H. W.
Anderson, Sir J.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Baring, rt. hon. Sir F. T.
Barnes, T.
Bass, M. T.
Bell, J.
Berkeley, Adm.
Bethell, R.
Biddulph, R. M.
Biggs, W.
Blake, M. J.
Bland, L. H.
Bonham-Carter, J.
Bowyer, G.
Boyle, hon. Col.
Brady, J.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brotherton, J.
Brown, W.
Browne, V. A.
Bruce, Lord E.
Bruce, H. A.
Butler, C. S.
Cardwell, rt. hon. E.
Caulfeild, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Challis, Ald.
Clinton, Lord R.
Cobden, R.
Cockburn, Sir A. J. E.
Coffin, W.
Collier, R. P.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Davie, Sir H. R. F.
Denison, J. E.
Dent, J. D.
Duff, G. S.
Duff, J.
Duncan, G.
Elliot, hon. J. E.
Esmonde, J.
Euston, Earl of
Evans, W.
Fagan, W.
Feilden, M. J.
Fitzgerald, J. D.
Fitzroy, hon. H.
Forster, C.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Gardner, R.
Gaskell, J. M.
Geach, C.
Gladstone, rt. hon. W.
Glyn, G. C.
Goderich, Visct.
Goodman, Sir G.
Goold, W.
Graham, rt. hon. Sir J.
Greene, J.
Greene, T.
Gregson, S.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grosvenor, Earl
Hadfield, G.
Hanmer, Sir J.
Henchy, D. O.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Hindley, C.
Howard, hon. C. W. G.
Howard, Lord E.
Ingham, R.
Jermyn, Earl
Keating, R.
Kennedy, T.
Keogh, W.
Kershaw, J.
Kingscote, R. N. F.
Kirk, W.
Labouchere, rt. hon. H.
Langston, J. H.
Lawless, hon. C.
Lawley, hon. F. C.
Legh, G. C.
Lindsay, hon. Col.
Locke, J.
Lowe, R.
Luce, T.
M'Cann, J.
Magan, W. H.
Maguire, J. F.
Maule, hon. Col.
Milligan, R.
Mills, T.
Moffatt, G.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mure, Col.
Murrough, J. P.
O'Brien, C.
O'Brien, P.
O'Connell, M.
O'Flaherty, A.
Osborne, R.
Otway, A. J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Peacocke, G. M. W.
Pechell, Sir G. B.
Peel, F.
Phillimore, R. J.
Phinn, T.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Potter, R.
Power, N.
Price, W. P.
Repton, G. W. J.
Ricardo, O.
Robartes, T. J. A.
Roche, E. B.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sawle, C. B. G.
Scobell, Capt.
Scully, F.
Scully, V.
Seymour, Lord
Shee, W.
Sheridan, R. B.
Smith, rt. hon. R. V.
Stirling, W.
Strutt, rt. hon. E.
Sullivan, M.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Tomline, G.

Towneley, C.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Walmsley, Sir J.
Wells, W.
Whalley, G. H.
Whitbread, S.
Wilkinson, W. A.
Wilson, J.
Winnington, Sir T. E.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, C. G.

SOUTH SEA AND OTHER ANNUITIES COMMUTATION BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

MR. SPOONER said, he hoped the right hon. Gentleman (the Chancellor of the Exchequer) would not press his Motion at that late hour. His hon. and learned Friend the Member for Suffolk (Sir F. Kelly) had a notice on the paper in reference to this Bill which he would not be able to bring forward if the third reading were taken that night. He begged to move that the House do now adjourn.

Motion made, and Question proposed, "That this House do now adjourn."

The CHANCELLOR OF THE EXCHEQUER said, that the hon. and learned Member for Suffolk had been in the House at the commencement of the evening, and had said that he would be prepared to move his Amendment that night.

SIR JOHN PAKINGTON said, that when there was a notice of an Amendment on the paper, it might have been fairly concluded by hon. Members that so important a measure would not be pressed to a third reading at so late an hour.

The CHANCELLOR OF THE EXCHEQUER said, he thought that, after the distinct declaration of the hon. and learned Gentleman the Member for Suffolk, they had no right to presume that he would not have attended in his place to bring forward his Motion.

Question put. The House *divided* :— Ayes 20; Noes 57: Majority 37.

Main Question again proposed.

SIR JOHN PAKINGTON moved the adjournment of the House.

The CHANCELLOR OF THE EXCHEQUEE said, that this was a question with respect to which every day's delay was matter of most serious inconvenience. Here were parties the whole foundation of whose property was to be changed to the amount of 10,000,000*l.*; and they could not know the terms under which it was to be changed until the Bill had become an Act of Parliament, when it would be the duty of the Treasury to state the terms under which the Exchequer bonds would be issued. Under these circumstances, he certainly felt great difficulty in consenting to the further postponement of the third reading. The absence of the hon. and learned Member for Suffolk was as much a matter of regret to him as it was to hon. Gentlemen opposite.

MR. SPOONER said, he thought there was good reason for not proceeding with the Bill that night. There was a very important point connected with the measure still undecided, and that was the situation in which trustees were placed by it. Trustees for reversionary interests, as the case stood at present, had the power of altering and disposing of this stock without the consent of the person who had that interest. The right hon. Gentleman the Chancellor of the Exchequer had said that he did not wish to change the law, and that it must be left exactly as it had been before. In every other proposition of a similar kind which had been made to Parliament, trustees had been obliged to act according to the provisions of the new law; but under this measure they might take any one of three courses. A clause, he thought, should be introduced, preventing them from acting without the consent of the person who had the reversionary interest.

SIR JOHN BULLER said, it was clear that if the right hon. Gentleman the Chancellor of the Exchequer would not give way, the House would be involved in a debate upon the third reading of this Bill; and as he thought this would be most unadvisable, he would move that the debate should be adjourned.

The SOLICITOR GENERAL said, that in consequence of communications which had taken place with the hon. and learned Member for Suffolk, a clause had been prepared to accomplish the object desired by the hon. Member for North Warwickshire (Mr. Spooner), namely, to restrain trustees for parties having a limited interest from accepting the one particular portion of stock that would have the effect of diminishing the capital without the consent and approbation of a Judge of the Court of Chancery. There was a clear understanding that the Bill should pass through its final stages that night; and he was sure that the greatest possible desire had been shown to meet the wishes expressed by hon. Members on the other side of the House.

The CHANCELLOR OF THE EXCHE-

QUER said, that it was perfectly vain to proceed with a Bill of this kind in the face of such a determination as was manifested by hon. Members opposite. He would not, therefore, waste the time of the House by pressing it; but he could not withdraw the Motion for the third reading without entering his protest against this proceeding. The hon. and learned Member for Suffolk (Sir F. Kelly) having made an express declaration on this subject, disappeared from the House. It was alleged that he had done this because it was half-past one o'clock; but the hon. and learned Member was not in the division which had taken place; and then hon. Gentlemen came forward with their presumptuous suppositions and interpretations, flatly in contradiction of the intentions which the hon. and learned Member had stated. He should propose now to read the Bill a third time, inserting the clauses, and making the amendments he had to propose; and then to let the final stage of the Bill stand over, in order to give the hon. and learned Member an opportunity to move the additional clause of which he had given notice.

Sir JOHN PAKINGTON said, he must disclaim any intention to offer an unfair opposition to the progress of this Bill; his conviction was, that there was some misunderstanding on the part of the hon. and learned Member for Suffolk. If the final stage of the Bill were fixed for the following day, no delay could be occasioned, as the Bill could be taken up to the House of Lords on Thursday, and that branch of the Legislature did not sit on Wednesday.

Sir JOHN BULLER said, he would withdraw his Motion for the adjournment of the debate.

Motion, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill read 3°; Clauses *added;* further Proceeding *adjourned* till *To-morrow.*

The House adjourned at a quarter before Two o'clock.

HOUSE OF COMMONS,

Wednesday, April 27, 1853.

Minutes.] New Member Sworn.—For Carlow County, William Bunbury M'Clintock Bunbury, Esq.

Public Bill.—1° Sales, &c. of Lands (Ireland).

ATTORNEYS' AND SOLICITORS' CERTIFICATE DUTY (No. 2) BILL.

Order for Second Reading read.

Lord ROBERT GROSVENOR said, that as the House, by adopting this Bill so far, had taken the management of it out of his exclusive control, it was fit they should be informed of the course he intended to pursue regarding it. Since the Bill was first introduced, the right hon. Gentleman the Chancellor of the Exchequer had declared his intention of dealing with the subject. On Saturday last he accompanied a deputation of the heads of the profession to the right hon. Gentleman, and laid before him the reasons on account of which they were dissatisfied with the measure of reduction that he had proposed. Before the time arrived when the Resolutions for the reduction of the duty would come before the House, he hoped the reasons then given would induce the right hon. Gentleman to accede to the wishes of the profession, or to state that it was the intention of the Government to propose the Resolutions only as a partial reduction, with a view to the total extinction of the tax. If neither of those alternatives were adopted by the Chancellor of the Exchequer, it would be his (Lord R. Grosvenor's) duty to propose an Amendment to the Resolutions, pledging the House to the total abolition. If the Amendment was carried, it would then be necessary to make some alterations regarding the registration of attorneys, the machinery for which was provided by the Bill which now stood for the second reading. Under these circumstances, he should beg to postpone the Motion for the second reading until Wednesday, the 1st of June.

Mr. BASS said, that this subject had, within the last few days, assumed a degree of importance which it did not before possess. On every occasion when the noble Lord had brought it forward, he had felt it his duty to oppose the proposition for repealing the annual duty upon attorneys and solicitors' certificates, not because there was any special reason for it, but because so long as forty-two other classes remained subject to the impost, he could not conceive why attorneys should be the first to be relieved. But now, while the right hon. Chancellor of the Exchequer had assented to a reduction of the duty on attorneys' certificates, he had actually proposed upon seven other branches of business very important alterations or additions. The certificate duty which would be imposed upon Messrs. Barclay, Perkins, and Co., in their capacity as brewers and maltsters, would amount to no less a sum than 2,850*l.* a year; whilst the total amount to be levied upon brewers and maltsters would approach 100,000 per annum. In addition, the right hon. Gentleman intended to levy a like duty upon five new classes of tradesmen; but he had to encounter so many impracticabilities that he had undertaken to reconsider the matter, so that he would either renounce the plan altogether, or endeavour to render it capable of being carried out. But the duty he now referred to was, in point of fact, nothing but an additional malt tax of 100,000*l.* a year, and therefore it was desirable the House should be in possession of the fact. He was not opposed to this sort of capitation tax if the Legislature deemed it a proper mode of levying an income tax, provided it was adopted as a general measure, and not exclusively confined to half-a-dozen or seven classes of tradesmen, for it then became a most obnoxious impost—a sort of confiscation approaching to socialism. If the right hon. Gentleman would consent to impose a duty upon ironmasters, cotton spinners, flax spinners, and the whole race of spinners, according to their assumed profits, or according to any other plan, he (Mr. Bass) should not object, provided the system was general; but he did object to a blow being thus aimed at particular callings. However, when the matter again came before the House, he should again call attention to the subject.

Captain SCOBELL said, tobacco dealers were put under a heavy charge for licences under the right hon. Gentleman's plan, and he should take an opportunity of calling attention to their case.

Second Reading *deferred* till *Wednesday*, 1st of June.

BIRTH OF A PRINCE.

Viscount DRUMLANRIG, Controller of Her Majesty's Household, appeared at the bar and read the following Answer of Her Majesty to the Address of the House of Commons on the recent birth of a Prince:—

> "I thank you for your loyal and dutiful Address. The interest which you have expressed in My Domestic Happiness is very gratifying to Me."

SOUTH SEA AND OTHER ANNUITIES COMMUTATION BILL.

Further Proceeding on Third Reading *resumed.*

Sir FITZROY KELLY said, he regretted that he did not see before him any Member of Her Majesty's Government who had taken a part in this important Bill. But before he said a word upon the subject, or proposed for the consideration of the House the two clauses which, he had to suggest, even at this late stage, should be added to the measure, he must set himself right with the House upon a matter which was personal only to himself. The Bill, as he was informed, was brought before the House, not at a late hour last night, but at an early hour this morning; and as he was not in his place, he had to ask pardon from the right hon. Gentleman the Chancellor of the Exchequer (he wished he were present) and the House, for any apparent neglect of his public duty, in not being in his place. He must take upon himself the entire blame of his absence; but what he had to state was this: He left home at an early hour in the morning, before the Votes were delivered; he was detained the whole day before the House of Lords; he was prevented by an accident from being present at the debate upon the Motion of his hon. Friend the Member for the University of Dublin (Mr. Hamilton); and it was not until he read the proceedings of the House in this morning's papers that he was aware of the Bill being on the paper for last night. He understood it was stated by the right hon. Gentleman the Chancellor of the Exchequer that he had been in his place in the course of the evening. It would, therefore, have naturally followed that his departure from the House would lead to the inference that he had no further remarks to offer in respect to the Bill. But the right hon. Gentleman was entirely in error. He was not in the House, and he knew nothing of its proceedings, either in the evening or in the morning. The right hon. Gentleman was undoubtedly quite correct when he stated that he had, upon a former evening, declared that he would not object to the Bill being brought on at any period night or morning that would be convenient, provided due notice was given; but it must be admitted that, looking at the vocation of many Members, it was an inconveniently short notice that was only given in the Votes of the same morning, especially as the Votes were often not delivered until ten, eleven, or twelve o'clock in the day. The consequence was that any Gentleman leaving home before those hours received no notice at all. He must again express his great regret that no Member of Her Majesty's Government was now present, because he had to call the attention of the House to certain clauses which he intended to move, involving questions of great importance, which seemed to him to require the attention of Her Majesty's Government. He must, however, proceed to discharge the duty imposed upon him, lest he should be thought, if he took any other course, to be a participator in anything that might lead to further delay. He quite agreed with the right hon. Gentleman the Chancellor of the Exchequer that it was important there should be no delay in a measure of this kind; but he must say, at the same time, it was possible there might be too much despatch, and he thought be should show sufficient reasons for arriving at the conclusion that the Bill had been prepared, and had been passed so far through that House, without that due consideration, to which, from the magnitude of its subject, it was entitled. There were two points upon which he had clauses to move. [*The Chancellor of the Exchequer here entered the House.*] The object of the first was to effect a limitation of the amount of stock to be created under the alternative No. 2 of the right hon. Gentleman's scheme — the 2½ per cent stock — to the sum 10,000,000*l.* The other clause was intended to make certain provisions concerning the assent of persons beneficially interested in stock, where it stood in the name of trustees.

The CHANCELLOR OF THE EXCHEQUER said, his hon. and learned Friend the Solicitor General, who was not now present, had drawn a clause for the purpose of meeting the case of parties beneficially interested in stock in respect to the trustees; and he would suggest that the hon. and learned Gentleman opposite should defer his own clause until that of the Solicitor General was before the House.

Sir FITZROY KELLY said, that course would expose both himself and the House to great difficulty, whilst it certainly presented another reason for complaining of the undue precipitancy with which the Bill had been carried through. Thus, at the last moment, when it was competent for him to propose an Amendment to protect persons beneficially interested in stock against the imprudent and perhaps wanton acts of trustees, he was told that Her Majesty's Government had prepared a clause calculated to meet the objection he had raised. But he was in this difficult situation—he must propose his clause now or not at all. The Government had not theirs ready; whereas by the course suggested, the necessity of his own being proposed depended upon theirs, of which he knew nothing. He suggested, therefore, that the right hon. Gentleman should inform him of the precise terms of the Amendment which the Government meant to propose, and then he would state whether they met his views.

Mr. SPEAKER said, the hon. and learned Gentleman might move that his own Clause be brought up, and then the Chancellor of the Exchequer would state what were the terms of his Amendment. The rule of the House was, that all the clauses should be added to a Bill before considering the Amendments.

Sir FITZROY KELLY: Then I will move *pro formâ* the Clause I propose to introduce; but I presume that that Motion will not disentitle me to address the House in the course of the debate.

Mr. SPEAKER: The hon. and learned Member will have the opportunity of addressing the House upon the several questions that the Clause be read the first time, the second time, and also the third time, and also upon the question that it be added to the Bill.

Sir FITZROY KELLY: I assure you, Sir, I wish to address the House but once, and that for a very short time.

The CHANCELLOR OF THE EXCHEQUER said, that so far as he was able to gather the import of the Clause, it appeared to introduce new matter, which he did not understand to be comprised in the views of the hon. and learned Gentleman when this point was last discussed. The suggestion which was then made from the other side, and very properly made, with regard to providing sufficient securities in the case of trust money, was met by himself and his hon. and learned Friend the Solicitor General by the statement that, in their view, it would be very proper to place the proceedings of trustees under the control of a Judge of the Court of Chancery. That proposal he understood to be entirely acceptable to Gentlemen on the opposite side; it was certainly so spoken of; and he understood it had been accepted by the hon. and learned Gentleman himself. Under these circumstances he had not conceived it necessary—there being no question remaining except the words to be prepared for the purpose—to print the words by which it was proposed to carry out that suggestion. He was very sorry that, owing to business, his hon. and learned Friend the Solicitor General was not in his place; but the effect of the Clause of the hon. and learned Member for East Suffolk differed from the proposition of his hon. and learned Friend the Solicitor General, and of which he had not been before apprised. It was not usual in Bills of this nature to require the consent of all the parties who might be beneficially interested in trust monies; and the necessity for special provision in this instance arose from the fact that one of the options proposed by the Bill appeared to give a greater benefit to the person at present in enjoyment of the trust, and another of the options a greater benefit to the person or persons who would follow him. It was right, therefore, that special control should be placed over the exercise of control of trustees, not as between them and their trust, but as between one portion of the trust and another. It appeared to him, he confessed, that there could be no difficulty about it, and he thought the introduction of the control of a Judge of the Court of Chancery the proper mode of meeting such cases. With regard to compulsory conversion, therefore, the discretion of the trustee would be placed under the control of the Court of Chancery, and the same principle would apply as to voluntary conversion. The clause which his hon. and learned Friend proposed provided that no trustee, executor, or administrator should be allowed to make a commutation into the new stock without applying for, and obtaining, the approbation of the Judge of the Court of Chancery in England or Ireland, or of the Court of Session in Scotland.

Sir FITZROY KELLY said, he had listened with great attention to the Clause, and it appeared to him that it affected stock in which lunatics and others had a beneficial interest, and that it was identical with his own proposal. But his objection to the addition was, that the right hon. Gentleman's proposal exposed families to the expense of an application to the Court of Chancery when all parties were agreed as to the expediency of commutation. All were agreed that if the Bill passed it was their duty to give effect in the best way to the intention of Government as far as that intention agreed with the feelings and wishes of the country. He would ask attention to what he considered to be the intention of Government, and how far that intention agreed with his own views. He would, however, in the absence of the hon. and learned Solicitor General, postpone the consideration of this Clause, and come to the consideration of the Clause of which he had given notice. The Clause was to limit the creation of 2½ per cent stock (proposal No. 2) to 10,000,000. He limited the sum to 11,000,000*l.* (10,000,000*l.*, with 1 per cent added), because the notice respecting options to be submitted to the holders of South Sea Stock was limited to that amount. He considered that the proposal was a bad bargain for the country, and he was content therefore to limit his Resolution to the sum, in case the holders of South Sea Stock should consent to accept the terms offered. The grounds on which he proposed to limit the stock, he should state as briefly as possible. He would venture to remind the right hon. Gentleman that the principle of the Bill was not only unusual, but unprecedented. It was in order to call the attention of the House to the Bill, as a financial precedent, that he would trouble the House with a few brief remarks. The effect of this operation, which by themselves would be made a precedent, would substantially be this—to create a new stock to the amount of somewhere about 100,000,000*l.* sterling. He did not say that, with the provision now accompanying the present Clause, any addition was to be made to the national debt, but he said that the effect of this proposal, if accepted to the full extent, would be to substitute for loans now existing, and under which existing stock had been made, a new loan of 100,000,000*l.* sterling. The question, therefore, was, as the Government desired to effect a new loan, what is the course—he would not say the usual, but the invariable course—the only course that, consistently with justice to the State, the Chancellor of the Exchequer can take in the matter? Why, it was to submit to public competition the bargain between the State and the public, to demand tenders of the terms on which the contract could be made, and to accept the tender most advantageous to the country. That that had been the course invariably pursued, he might state without fear of contradiction, believing that the right hon. Gentleman would not be able to show that a loan of money, to be effected by the creation of stock, had ever taken place on terms not submitted to public tender, but, instead, fixed by the Financial Minister of the day. If this sum of 100,000,000*l.* were to be raised by tender, Government would see, from the offers of capitalists, what was the smallest amount of dividend, what the shortest period of guarantee, with which the capitalists would be contented, and then creating their 2½ per cent stock, they would create it on the very best principle that a Government could; for it was certain that in this way no wrong could be done to the capitalists, who would not tender to their own injury; and it was certain that the Government had the best possible bargain, because it had accepted the most advantageous terms the public would offer. In 1844 a large amount was paid off by the then Chancellor of the Exchequer. The only question was, what benefit should be given to parties who were paid off at par when stocks were up to 102? The benefit decided upon was by giving parties a guarantee that the stock should not be paid off for a certain number of years. But on this occasion Government desired to create a loan to the extent of 100,000,000*l.*, that is, they were about to effect a bargain with stockholders or capitalists, to the effect of guaranteeing the holders of 100,000,000*l.* of stock a large interest yearly, 2½ per cent for forty years, and then to pay them off at par. Two ways were open to Government to effect this object—the best of which was by inviting capitalists to tender for the loan at the shortest period, and at the lowest interest. If this course were adopted, no injury or injustice could be done to the stockholder, as there was no compulsion to come forward to accept the new stock. This would be the best bargain for the public, and also for the stockholder. But Government, instead of taking this course, had chosen to fix the terms, and to do away with the advantages of public competition. The certain result of this course must be this—if the terms were too low they would not be accepted, and the Bill would become nugatory; whereas, if too high—that is, if less than 2*l.* 15*s.* might be obtained for the exchange—the Chancellor of the Exchequer had exposed the country to the proportionate loss by this bad bargain. The Chancellor of the Exchequer had assumed that he knew the lowest terms on which the bargain could be effected, and this, too, without any reliable elements on which to base his calculations. If the Chancellor of the Exchequer had any means of knowing what would be the result of his 100,000,000*l.* proposal, he ought to disclose them. He (Sir F. Kelly) asked the right hon. Gentleman to pledge himself to prove, that if he invited all the capitalists to come forward and tender for the bargain, the stock could not be changed except on the terms named—namely, at forty years, and on a guarantee of interest at the rate of 2*l.* 15*s.* per year. But if capitalists could be found to come forward to take the bargain at 2*l.* 10*s.* or 2*l.* 12*s.* 6*d.*, or for a term of twenty years instead of forty, then the Chancellor of the Exchequer would have wronged the State to the amount of the difference. Either the right hon. Gentleman had some data which he had not disclosed, or he was advancing blindly into the money market, and making a bad bargain for the country. In the present condition of the money market it would be unwise to state what would be the value of the interest of money at any future period, and, therefore, it was all the more indefensible on the part of the right hon. Gentleman to fix a certain amount of interest and a certain period, as the lowest terms on which the new stock might be created. He urged on the right hon. Gentleman, therefore, to do as had been done by his predecessors—submit his proposal to public competition, and then the country would have the advantage of the lowest terms on which such a bargain could be effected. He had done his duty in stating his strong conviction that this was a bad and disadvantageous bargain for the public, and also that it contained a vicious precedent that ought not to be recognised. He begged, therefore, to move the insertion of the clause.

Clause—

"That nothing in this Act contained shall be deemed to authorise the creation of any greater amount of Two Pounds Ten Shillings per Centum Annuities, than the sum of eleven millions of Capital Stock."

Brought up, and read 1°.

The CHANCELLOR OF THE EXCHEQUER: Sir, there is this preliminary objection to the proposal of the hon. and learned Gentleman—that if the clause he has proposed were to be introduced into the Bill, the effect would be that there would be two clauses directly contradicting each other, one clause allowing 30,000,000*l.* of this stock to be created, the other allowing only 11,000,000*l.* These two clauses would be in diametrical contradiction one to the other. The hon. and learned Gentleman has on this occasion made use of an argument which it certainly appears to me would have belonged more appropriately to the Motion of last Friday, and the question that he has raised, as far as depends on his argument, is a repetition of what what was then decided in a full House by a considerable majority. The hon. and learned Gentleman finds fault, not only with the particular terms on which it is proposed to create this 2½ per cent stock, but likewise with the whole mode of proceeding the Government has adopted. He says it is strange, unusual, and impracticable. He states that the only course the Chancellor of the Exchequer could with any propriety pursue, would be to borrow money in the market, and, I presume, apply it to the extinction of the existing stock. The hon. and learned Gentleman stated that that was the usual, invariable, and only course. He said he stated it without fear of contradiction. Now, Sir, I cannot analyse the human mind, and, therefore, what the hon. and learned Gentleman may fear I do not know; I presume he does not fear contradiction; but this I know, that he will not state that in this House, while I sit here, without contradiction. My duty is to give the most unqualified contradiction to his statement of former proceedings of this kind, the fact being, in direct opposition to his statement, that I am pursuing the course invariably pursued in cases of the conversion of stock. It is perfectly true that in a new loan you go into the market and invite tenders, and it is perfectly true that in dry law these stocks we now create are new contracts and new loans; but if the hon. and learned Gentleman will refer to the Act of 1844, or any of the former Acts of Conversion, he will find that they proceeded just in the same way as we do—cancelling the old stock, and then creating the new loan. The old stock passed out of existence, and the new came into it; but in no instance has the Chancellor of the Exchequer proceeded as the hon. and learned Gentleman says he invariably does, and of all the cases of conversion there has not been a single one where one and the same course of proceeding has not been pursued. As far, indeed, as regards the creation and raising of the Exchequer bonds, there exists a difference, which I recognise and admit. I propose in this instance to create Exchequer-bonds which are entirely new, and, as far as they are to be used for the purpose of raising money, I do propose, not fixed rates, but what we can get in the market for them. We do propose to obtain the power of selling the bonds in the market on the best terms; but, mainly, this is an operation of conversion, and as a conversion I speak of it, when I say that there never was such a thing heard of as raising money in the market in order to effect the extinction of stock. Would it be reasonable so to raise money? You have a stock of 30,000,000*l.* here to be paid off. The hon. and learned Gentleman proposes that we should raise this in the market, and then pay off the holders of stock; but can it really be supposed that any Government, Chancellor of the Exchequer, or House of Commons would adopt such a plan, which, with great resspet to the hon. and learned Gentleman, I must call irrational? Why, the effect would be that the Chancellor of the Exchequer, by a purely artificial and totally unnecessary operation, would go into the market to cause a scarcity by raising 30,000,000*l.*, and then, having borrowed so much, and created that artificial scarcity, would go again into the market and create an artificial glut. It would be applying artificial stimulants first one way and then the other; and not only would the public lose by it enormously, but the Chancellor of the Exchequer would thus make the market tight and close when he wanted to borrow, and would have flooded it when he least wanted it flooded. I am quite sure this House would never approve of such a scheme. But the Motion of the hon. and learned Gentleman has a narrower scope—to reduce to 10,000,000*l.* the quantity of this 2½ per cent stock that may be created, as that, as he says, would completely cover the 9,500,000*l.* of minor stocks subject to conversion under this Bill. Now my objection to that proceeding is this. In the first place, this House has adopted a general arrangement, under which, it is to be recollected, there will be no increase of the capital of the debt whatever in consequence of the creation of this 2½ per cent stock, because, at the time when it becomes liable to redemption, the funds accruing from the provision made by this House will have reduced the debt more than this additional capital will have augmented it. But the proposition of the hon. and learned Gentleman is to create this new stock, but to create it to the extent of 10,000,000*l.* or 11,000,000*l.* only; to which the practical objection is, that that is too small an amount to test the operation, the consequence of creating such a small stock being that the transactions in it are few and limited, and that the price of such stock, relatively to the interest it bears, is considerably lower than would be the case with a larger stock. I do not state this merely as my own opinion, but refer to very recent and high authority, that of the hon. Member for Huntingdon (Mr. T. Baring), who, the other night, supporting the proposal for cutting this stock off altogether, said that even the amount of 30,000,000*l.* was too small to test fairly the value of the stock. He said that if such a stock was to be created, then it ought to be created on a scale which would fairly test its value. To that proposition I hope the House will assent, and not, after having agreed to the creation of such a stock, resolve to create it under such conditions as must render it insignificant in amount, and prevent their ever ascertaining its fair value in the market. Having said thus much, I consider that I have said enough. I have shown that the course we take is according to precedent, and neither unusual nor extravagant, whilst as to the creation of this 2½ per cent stock, the principle being admitted that it is to be created, it surely must be perfectly plain that it ought to be created in such a manner as may give a fair trial to the important experiment which we are making.

MR. HUME said, he could not think that the hon. and learned Gentleman's proposal was the safe and proper course for the Government to take. He thought the experiment should be limited to as small an amount as possible; but, at all events, the right hon, Gentleman the Chancellor of the Exchequer should try to obtain the amount on terms as low as possible.

MR. SPOONER said, the question as to the mode of raising the money was not really before the House. He concurred with his hon. and learned Friend (Sir F. Kelly) that the bargain was a bad bargain for the State, and too greatly in favour of capitalists. He would, however, allude to the Motion, which was grounded on the fact that the Government had made an improvident bargain. He was prepared to say he did think it was a bad bargain. He would beg to call the right hon. Gentleman's attention to a statement he made the other night, when the question respecting the 2*l.* 15*s.* and the 2*l.* 10*s.* rate was under discussion. The right hon. Gentleman then said that an eminent actuary had assured him that the bargain in both respects was perfectly equal. Now, he (Mr. Spooner) had obtained the opinion of eminent financiers, who had calculated the effect of the two propositions—that of giving 2*l.* 15*s.* and 82*l.* 10*s.* capital, or 2*l.* 10*s.* and 110*l.* capital. The two rates, according to the terms proposed by the right hon. Gentleman, gave a difference of 7 per cent in favour of the capitalists. This result had been verified by two actuaries. Therefore, he maintained, that the bargain was a bad one, and formed one of the reasons which induced him to support his hon. and learned Friend's Amendment. The right hon. Gentleman the Chancellor of the Exchequer said there was no addition to the public debt, and gave an explanation to that effect. But he differed entirely from that opinion. The right hon. Gentleman expected to be a gainer either way; but if accounts balance on both sides, he was at a loss to understand how there could be any gain. And yet that was the argument of the right hon. Gentleman. Another point pressed on his mind very strongly, that we ought to limit the time. Forty years was too long a period for any Chancellor of the Exchequer to bind the country. If there was all the asserted prosperity in the country, and that prosperity was increasing, what would be the effect? Why, to reduce the rate of interest; and yet, under such circumstances, the Chancellor of the Exchequer proposed to tie up Parliament for forty years.

MR. WILKINSON said, that if the hon. and learned Gentleman (Sir F. Kelly) divided the House, he would unwillingly divide with him on the question of the limitation of the stock.

MR. W. WILLIAMS said, the hon. and learned Gentleman (Sir F. Kelly), in his proposed Amendment, overlooked the difficulty which the Chancellor of the Exchequer had to contend with in effecting the reduction of a debt of 500,000,000*l.* He did not expect that any Chancellor of the Exchequer would see the time when he could deal with it as a whole, and give the twelve months' notice which was required for the operation. If the Chancellor of the Exchequer could effect even an impression on the debt, he would do good.

SIR FITZROY KELLY said, that seeing the feeling of the majority of the House to be opposed to him, he would not trouble them to divide.

Motion made, and Question, "That the said Clause be now read a second time," put, and *negatived.*

SIR FITZROY KELLY then proposed another clause, for the purpose of preventing the acceptance of this stock by trustees without the consent of the *cestuique* trusts, or without the consent of the Court of Chancery, in cases where the parties interested were under legal disability.

Clause—

"That nothing in this Act contained shall be deemed to enable or authorise any executor or executors, or other person or persons holding any Stock in trust, to accept in lieu of such Stock, or to commute such Stock into any new Stock or Exchequer Bonds to be created or issued under this Act, without the consent in writing of all persons beneficially interested in such Stock; or if such persons be infant, lunatic, or under coverture, or under any other disability, or if any yet unborn may become beneficially interested in any such Stock, then without the authority of the Court of Chancery."

Brought up, and read 1°.

The SOLICITOR GENERAL said, that he had prepared a clause upon this point, which he hoped would meet with the concurrence of his hon. and learned Friend and of the House. It was to the effect that, in all cases in which any trustees, executors, or administrators, shall be possessed of or entitled to any part of the capital stock now proposed to be paid off and redeemed upon trust for the benefit of any persons having limited interests, or being under any legal disability, no such trustees, executors, or administrators shall be at liberty to commute such stock into any new stock or Exchequer bonds to be created under this Act, without the consent in writing of all persons beneficially interested in such stock, if competent to consent; but if such consent is not given, or any such party is under any legal disability or beyond the seas, or if the trust is such that persons yet unborn are interested in it, then in all or either of such cases every such trustee, executor, or administrator, shall commute the stock so held by him in such manner, and in such manner only, as a Judge of the Court of Chancery in England or Ireland, or of the Court of Session in Scotland, shall direct.

MR. MITCHELL said, he gave the right hon. Gentleman the Chancellor of the Exchequer credit for the courage he had shown in giving the death-blow, by his scheme, to the currency laws of 1819 and 1844 of the late Sir Robert Peel. He believed his scheme would be of great benefit to the commercial as well as to the landed interest of the country, and he believed that if the right hon. Gentleman were to reduce the interest on the whole of the Exchequer bonds to 2 per cent, they would be at a premium in a month.

MR. STUART WORTLEY said, he must beg to warn the House that the effect of the clause proposed by the hon. and learned Gentleman (Sir F. Kelly) might be much more extensive that they imagined. There was an enormous amount of stock in the hands of trustees, and if it was made necessary to have the consent of all the *cestuique* trusts, or of all the parties interested in trusts, and in case of a difference of opinion between the parties if it was made necessary that an application should be made to the Court of Chancery—a course which would be ruinous in the case of nearly all the small trusts—the imposition of such conditions must greatly limit the conversion of such stock. There was a middle course, however, which he would suggest for the consideration of the House. Under somewhat analogous circumstances a Bill which was recently passed for disentailing property in Scotland, provided that no trustee or tenant in tail should disentail any property without the consent of a certain limited number of persons interested in it, and that condition was thought to be a sufficient security against estates being rashly and inconsiderately disentailed.

SIR FITZROY KELLY said, he believed that there was no substantial difference between hon. Members on either side of the House upon this important point. The object of the proposition that he had originally made was, that where the stock was held in trust, the trustees should not have the power to exchange the stock without the authority of all the parties who are beneficially interested in it; and with regard to the case of lunatics, infants, persons beyond seas, under coverture, and the like disabilities, he had provided that any stock held in trust for such persons should be commuted by the trustees under the authority of the Court of Chancery. A clause to effect these two objects, he conceived, must be entirely unobjectionable. There could be no undue expense and no injustice in such a provision; but with respect to cases in which all the parties interested did not agree, he did not think that there should be any application to the Court of Chancery—a proceeding which he quite concurred with the right hon. and learned Member for Bute (Mr. S. Wortley) would be attended with heavy expense. He would suggest to the right hon. Gentleman the Chancellor of the Exchequer, that it would be better to defer the further consideration of this Bill till to-morrow, and in the meantime he (Sir F. Kelly) and his hon. and learned Friend the Solicitor General might agree upon the language of a clause for effecting the object in the desirableness of which they were all agreed in principle.

The SOLICITOR GENERAL said, that those who objected to an application to the Court of Chancery should remember that that tribunal had been very much altered, and that the application which he had suggested would be made to a Judge sitting in chambers, and would cost only a few shillings, whilst it would not interpose more than possibly two hours delay. His hon. and learned Friend (Sir F. Kelly) and himself were quite at issue upon the point, whether the Bill should require the trustees in every case to obtain the consent of all the parties interested. The condition proposed by his hon. and learned Friend would assuredly operate as a clog and an impediment that would render the conversion of any considerable portion of stock held in trust wholly impracticable.

Mr. MULLINGS said, he did not object to the clause proposed by the hon. and learned Solicitor General, but he doubted if it would have a good effect. He did not consider the expense attending an application to a Judge of the Court of Chancery in chambers would be so insignificant, or the course of such a proceeding so expeditious, as the hon. and learned Solicitor General would have the House to suppose. As a practical man he knew that in every case where the parties interested did not agree to the conversion of the stock, they would apply to their solicitors to prepare a petition, and very considerable expense and delay must necessarily be the consequence. The clause of the hon. and learned Solicitor General would enable the trustees to act in opposition to the wishes of the parties interested—a principle to which he thought that House ought never to assent. This was a very serious matter, and deserved more attention than it had yet received. He therefore hoped the discussion would be deferred till to-morrow to allow the clause to be printed with the Votes.

Mr. SPOONER said, he would also recommend the postponement of the clause in order to give time to frame it, so as to obviate all objections.

Sir JAMES GRAHAM said, he entirely admitted the great importance of this question, and considering the immense interests involved in it, he should certainly be most happy to advise his right hon. Friend the Chancellor of the Exchequer to consent to the proposed delay if both sides of the House were agreed upon the principle to be embodied in this clause; but, as he understood it, there was a very great difference of opinion upon both sides of the House. It was contended by hon. Gentlemen opposite that there must be a unanimous consent of all the parties beneficially interested in a trust. Now, if they gave effect to that doctrine, and at the same time objected to the intervention of a judicial tribunal in any case where such a unanimous consent did not exist, he was satisfied that the practical result of that course would be to bar the operation of the Act altogether. If a common consent was required amongst the parties, and in the absence of that consent they laid down the principle that no judicial arbitration would be allowed, he believed that, speaking generally, they would frustrate altogether the objects of this measure. He had certainly been much engaged during the last twelve months in an honest endeavour, with the hon. and learned Solicitor General and the right hon. Member for Oxfordshire (Mr. Henley), to introduce improvements into the Court of Chancery; and the recommendations of the Commission on which he had the honour of serving were adopted by the Legislature. He could not say that he was so sanguine as to believe that that tribunal had now become altogether inexpensive; but the hon. Member for Cirencester (Mr. Mullings) in alluding to the expenses heretofore incurred must have had reference to the expenses in the Masters' offices. Now, the great object of the measure of last year was to put an end to the expensive process before the Masters in Chancery. A great change had certainly been introduced, the power of application to a Judge in Chambers had been given, and all the expensive proceedings before the Masters had been abolished. A simple process had been proposed, power had been given to the Judge to determine the matter upon affidavits and without the attendance of counsel, and at a cost which had been greatly reduced. Now, he could not conceive a greater slur cast upon the judicature of this country, than by the assertion that in the case of a trust with many parties beneficially interested, and they not agreeing, the expense of obtaining judgment would be ruinously great. If that were so, all their attempts hitherto to reform the Court of Chancery had been vain and nugatory. He did not believe that they had been nugatory; but if that really was the state of the law and practice, it would show that further reforms were indispensably necessary. Yet he confidently believed that the measure of last Session would produce more beneficial results than the hon. Member for Cirencester anticipated from it. But to return to the point before the House, he could not conceive anything more just or equitable than the provision of his hon. and learned Friend the Solicitor General, that in the absence of a common consent among the parties beneficially interested in a trust, an appeal should be made to a judicial tribunal; and, unless they wished indirectly to defeat the operation of this measure, he hoped that the House would agree to that provision. The suggestion of the right hon. and learned Member for Bute (Mr. S. Wortley) with regard to Scotch entails, where the decision of the minority in certain cases bound the majority in a question of succession, was deserving of attention. That might be a somewhat novel principle to apply to trusts in England; but what he contended was, that in the absence of a common consent among the parties, an appeal to a judicial tribunal was the only resource that was possible.

Mr. HENLEY said, that he had had the honour to act in conjunction with the right hon. Gentleman (Sir J. Graham) in attempting to improve the practice and procedure of the Court of Chancery, and he thought that the measure of last Session enabled parties to obtain the intervention of that Court at much less cost and delay than had hitherto been the case; but, with all deference to the right hon. Gentleman, that was entirely foreign to the subject now before the House. The principle laid down by this Bill was, that if five parties were interested in a common fund, and one of them, however trifling his interest might be, wishing to do something with it, that person would have the option of dragging the other four into an "amended tribunal," and of exposing and ripping up all the circumstances of the trust. Because it might happen that the Court would not be able to form a correct judgment as to whether that fund should be so delt with or not, without having all the complicated interests of the parties before it—proceedings of such a nature possibly that it would not be easy to conduct them through that Court even in its reformed state. He contended that what was now proposed was in direct opposition to the known and recognised principle of the law, that where it was not necessary that anything should be done, parties should be left to themselves in the event of a disagreement of opinion. Upon what ground, he asked, did the Government seek to depart from that principle in the present case? It was said, that, to refuse trustees and persons beneficially interested in property held under trusts, the power of appealing to a judicial tribunal, would virtually defeat the measure; but he did not believe it would have any perceptible effect one way or the other; and, for his part, he did not see, if the clause under consideration should be adopted by the House, where they were to stop in their future dealing with trust property. He was convinced that the effects of the proposed departure from the known and recognised principle of the law would be to create a great deal more harm than good. At all events no measure of public good would be gained by it, and, therefore, he entreated them to adhere to the old doctrine, that where there was no necessity for parties to do anything, if they did not agree to do it, they should be left alone.

Mr. CARDWELL said, he thought the right hon. Gentleman who had just sat down had taken a very mistaken view of the question before the House. They had already sanctioned an arrangement by which they proposed to make a change in the position of the public debt, and were now discussing the expediency of offering an inducement to certain parties to accept their terms. If it was not the interest of those parties to accept the terms offered them, the whole operation would, of course, fall to the ground; but he apprehended that such a result would not be satisfactory either to the House or the country. The right hon. Gentleman put the case of five persons under a trust, one of whom might consider it for their interest that the trustee should accept the terms; but among the others a difference of opinion might exist as to whether the terms should be accepted or not. In such a state of things, said the right hon. Gentleman, it would not be proper to give any of the parties the power of appealing to the Court of Chancery. Now, the party was entitled to assume that the proposed operation would be successful, and that it would benefit those who might take advantage of it. But if the trustee would not accept the terms unless they all consented, they would be in a worse position, because they would be left to be paid off at a more disadvantageous time. That House had already sanctioned the measure, and he was bound therefore to regard it as one of a beneficial description. That being so, it appeared to him right and proper that every facility should be given to parties willing to accept the terms offered by the Government, and certainly he saw nothing wrong in the proposal to give persons whose property was held in trust, and the trustee who was responsible for the whole body, the where common interests of all might the power of appealing to a judicial tribunal, be reconciled. To refuse to grant such a power would be highly prejudicial to the persons on whose behalf the right hon. Gentleman opposite had addressed the House, and would have the effect of enabling one individual to frustrate the wishes of a majority. The question just amounted to this: were they to allow persons free from trusts to accept the terms offered by the Government, leaving those whose property was placed under settlements to remain as at present, until some future and perhaps distant period, when they would not be able to make so good a bargain for themselves as they could do now? If it was for the interest of persons free from trusts to enter into the proposed arrangement, it followed as a necessary consequence that where there were a number of persons under trust, a majority of whom desired to accept the proffered terms, power should be given to make application to the Court of Chancery in order that the trustee might be placed in a position to act for the interest of the whole body.

Mr. NEWDEGATE said, the right hon. Gentleman had begged the whole question. The sum to be dealt with was limited, and they could not apply the same reasoning to it as if they were dealing with the whole amount of the funds, and were offering propositions which the parties must accept or decline. He should vote against the clause, because he did not think it was necessary to the proposed operation, while it would cause a vast amount of useless and expensive litigation.

Question put, "That the said Clause be now read a Second Time."

The House *divided*:—Ayes 61; Noes 128: Majority 67.

The SOLICITOR GENERAL said, he would now move the Clause of which he had given notice.

Clause—

"Provided always, that in all cases in which any trustee, executor, or administrator shall hold or be entitled to any part of the Capital Stock of any of the Three per Centum Annuities by this Act proposed to be paid off, commuted, or redeemed upon Trusts for or for the benefit of any person having a limited interest, or under legal disability, no such trustee, executor, or administrator shall be at liberty to give notice of his assent to receive in lieu of such Capital Stock the aforesaid new Stock of Three and a Half per Centum Annuities, without the consent in writing of all persons beneficially interested in such Stock, if competent and willing to consent; but if such persons shall not agree, or if any of the parties shall be under legal disability, or if the Trust be such that persons yet unborn may become interested under the same, then and in any or either of such cases every such trustee, executor, or administrator shall commute the Stock so held by him in such manner only as a Judge of the Court of Chancery in England or Ireland, or of the Court of Session in Scotland, shall direct: Provided also, That all applications for such purpose as last aforesaid, and every other application hereby authorised to be made to the Courts of Chancery in England and Ireland respectively, and to the Court of Session in Scotland, may be heard and disposed of in such manner, on the attendance of such parties, and on such evidence, as the Judge shall think fit, who shall have power to direct in what way the costs and expenses of such applications respectively shall be borne and defrayed."

Brought up, and read 1°, 2°, and amended, by inserting after the word "proposed," in page 1, line 5, the words "or enabled."

Sir FITZROY KELLY said, he rose with great regret to offer objections to this Clause, and he could not but feel astonished that, however desirous it might be to introduce a clause of this kind into the Bill, the House should be called upon finally and irrevocably to determine not only upon the substance but also upon the precise language of the Clause, without sufficient time duly and properly to consider its terms. He might at once call the attention of the House to the fact that a difficulty arose even on the very first words of the Clause, which commenced by stating that "in all cases in which any trustees, executors, or administrators shall hold or be entitled to any part of the capital stock of any of the 3 per cent annuities now proposed to be paid off, commuted, or redeemed;" and so on. Now he would ask his hon. and learned Friend the Solicitor General, not what he intended by these words, for it was evidently the intention of the Government to apply the Clause to the whole of the 3 per cent stock of every description, and not merely to the 10,000,000*l.* of South Sea and other minor stocks, but whether he did not think the Clause as it stood would involve trustees and families, beneficially interested in property held under trusts, in an immense amount of litigation? It was quite true that it was the intention of the Government to pay off, commute, or redeem the South Sea and other minor stocks; but the Clause appeared to be applicable to the whole or to any integral portion of the 3 per cent Consols and 3 per cent Reduced stocks, and he was, therefore, anxious to know whether it was proposed to deal with the whole of the 500,000,000*l*., or with any portion of it by this Clause. With respect to the main point arising out of the Clause, he wished to state to the House, that here was a measure under which it would be competent to the holders of Consols or of Reduced stock, to the amount altogether of 100,000,000*l*. sterling, to effect a commutation or exchange for a corresponding amount of any one of the three new stocks which were to be created under the Bill. Now, the question as to which of the stocks parties ought to prefer, would prove to be one not only of great importance, but also of considerable difficulty and complexity, even as regarded individuals possessed of stock in their own right; but the case was much stronger when applied to trustees representing persons who had an almost infinite variety of different and even conflicting interests. It would be the interest of a tenant for life, for example, to exchange his stock for the proposed 3½ per cents, which would yield an annual interest larger and more immediately available than either of the other two descriptions of new stock for the space of forty years; while, on the other hand, it would be equally for the interest of the person next in succession to exchange into the 2½ per cents, because he would have an increased capital when he came into possession. What, in these circumstances, was the trustee to do? It was impossible he could act so as to please both parties. But the Clause empowered him to apply to the Court of Chancery; and the right hon. Baronet at the head of the Admiralty (Sir J. Graham), to whom the country was deeply indebted for his labours in the cause of law reform, had stated that in consequence of recent improvements, in which he had borne so useful and prominent a part, the Court of Chancery was no longer to be dreaded as it might and unquestionably would have been at an earlier period. That was true to a great extent; but did the right hon. Baronet mean to say that, under any improvement that could take place in the Court of Chancery, it would be right to dispose of the property of the tenant for life, of the remainderman, and of all who were entitled to any interest under a trust, without giving them an opportunity of being heard by themselves or by counsel? The Bill now upon the table authorised any one, or any number of persons beneficially interested in stock held under trust, to call upon the trustee to effect its conversion, thus probably forcing the other parties into a protracted and expensive Chancery suit, and all because the right hon. Chancellor of the Exchequer wished to try a financial experiment. He could not but think that full justice would be done if the House enabled trustees, where they had the consent of the whole number of persons beneficially interested, to effect a conversion, but did not compel persons who were content that their property should remain in the stock in which it had been placed by those from whom they received it, to become involved in expensive proceedings in the Court of Chancery.

The CHANCELLOR OF THE EXCHEQUER said, that in order to remove the objection of the hon. and learned Member as to the wording of the clause, and to limit the application of the clause to the stocks affected by the Bill, he was willing to introduce a restriction to that effect.

MR. HUME said, he would suggest that the best way of saving expense to parties would be by requiring the Judges in the Court of Chancery to give their decisions free of cost.

MR. HENLEY said, he was afraid that the suggestion of the hon. Member for Montrose, even if carried into effect, would be comparatively worthless; for, although the Judges might deliver their judgment gratis, the Chancery Court practitioners could hardly be expected to do their part of the work for nothing. With respect to the clause now before the House, he thought if the Government had tried to contrive machinery for the purpose of dragging all the unfortunate persons who were possessed of property held in trust into the Court of Chancery, which even in its reformed state was not a desirable place to get into, they could not have succeeded more effectually than they would do if this clause were adopted. But he especially objected to the haste with which the Government were endeavouring to pass this Bill through the House. Here was a new clause, which nobody had seen in print, which had evidently not been considered with the care it deserved, and which perhaps the most competent person in that

House would declare to be ambiguous and doubtful in its terms. He trusted the right hon. Chancellor of the Exchequer would not press the clause, but delay further proceedings until to-morrow.

Sir FITZROY KELLY said, he wished to move an Amendment declaring that an appeal to the Court of Chancery should not be competent in the case of a mere disagreement of opinion amongst parties.

Amendment proposed, "To the Clause in page 2, lines 1 and 2, to leave out the words 'not agree, or if any of the parties shall".

Mr. WHITESIDE said, he would suggest that the law officers of the Crown should in all cases attend before the Court and argue the cause gratuitously.

The CHANCELLOR of the EXCHEQUER said, he thought that the Amendment proposed by the hon. and learned Gentleman opposite (Sir F. Kelly) merely renewed the question which the House had just decided, namely, whether the consent of the parties should be required to the commutation, and, failing that, whether resort should be had to the Court of Chancery.

The SOLICITOR GENERAL said, that the effect of the Amendment would be this, that in every case, if any one of the parties interested should disagree to the commutation, the amount of stock in which the parties were interested would be exempted altogether from the operation of the Act. The object, therefore, of the Amendment was to render the Act inapplicable to a large amount of stock, and to reduce its operation within the smallest possible limits.

Mr. NAPIER said, he wished to inquire whether it was intended to give the Master of the Rolls in Ireland co-ordinate jurisdiction with the Court of Chancery?

The SOLICITOR GENERAL replied, that any Judge in Chancery in Ireland would have power to deal with every application.

Mr. WALPOLE said, that by this Bill there were three different kinds of investment in which commuted stock might be placed. One of these might be more advantageous for a tenant for life, and another more advantageous for a tenant in remainder. If a tenant in remainder should object to the investment proposed by the tenant for life, then, according to the present clause, as drawn by the hon. and learned Solicitor General, the parties would have to go to Chancery and settle their dispute there as to whether commutation should take place or not. He (Mr. Walpole) had no doubt that the effect of this would be that the Court would in the majority of cases direct the costs to come out of the funds, and the result of such legislation would consequently be that the capital fund would be diminished, and the tenants in remainder would suffer. He thought that the Government would do well to take time to consider this point.

Question put, "That the words proposed to be left out stand part of the Clause."

The House *divided*:—Ayes 134; Noes 67: Majority 67.

Mr. HENLEY said, he would now ask what was to be done if the trustees should disagree as to the course they ought to pursue?

The SOLICITOR GENERAL replied, that they should have recourse to the intervention of a Judge, who would then have to discharge the functions of the trustees.

Mr. WHITESIDE said, he must object to such a proposition, for a provision of that nature would invest the Judges with an unprecedented power. He congratulated the Solicitor General on the additional business which that clause was calculated to bring to the Court of Chancery.

The CHANCELLOR of the EXCHEQUER said, he believed the hon. and learned Gentleman very much overrated the probable operation of the clause on the business of the Court of Chancery. He never recollected a discussion in which such gigantic results had been predicted from causes so trifling, as the discussion that day. Hon. Gentlemen opposite should recollect that there was one important consideration which would decide many of the questions they had raised; and that was the value which parties would find attached in the money market to the different descriptions of stock.

Sir JOHN TROLLOPE said, he wished to press on the attention of the right hon. Chancellor of the Exchequer the very embarrassing position in which trustees would be placed with respect to the course they ought to pursue under that clause.

Sir WILLIAM JOLLIFFE said, he thought the effect of the clause would be to place trustees in this unfortunate position—that while, on the one hand, they might be pressed by persons related to them by the dearest ties, and having a life interest, to do the best for them with regard to the property held in trust, any attempt to do so would, on the other hand, be opposed by those who were hereafter to benefit by the trust. The interests of these two classes were diametrically opposed; and he must say that he concurred in the wish expressed by the right hon. Member for Oxfordshire (Mr. Henley), that the right hon. Chancellor of the Exchequer would reconsider the clause.

Clause, as amended, read 3°, and added.

Bill passed.

SALE, ETC., OF LANDS (IRELAND).

MR. WHITESIDE moved for leave to bring in a Bill to facilitate the sale, partition, and exchange of lands by the Court of Chancery in Ireland, and the recovery of monies secured by recognisance in the said court. The hon. and learned Gentleman said that the House was no doubt aware that an Act of Parliament which had produced a great effect in Ireland, called the Encumbered Estates Act, would expire, so far as regarded its purpose of receiving petitions for the sale of lands, in the space of two months. He had asked the Secretary of the Lord Lieutenant of Ireland what course the Government intended to pursue in reference to this important Act, which affected a great portion of the landed proprietors of Ireland, and involved in its operation many millions of money; and he had been told in reply that it was intended to consult the Lord Chancellor on the subject. This question had been under the consideration of the late Administration; and when a proposal for the renewal of the Encumbered Estates Act had been brought forward last year, a pledge was given that this large and difficult subject should be fully inquired into, and that before the lapse of another year a Bill should be introduced on the subject. The misconception under which they had heretofore laboured was this, that they had feared to apply the machinery which they possessed to accomplish a great and manifest advantage. When Sir John Romilly introduced this Bill originally, he told the House that it was proposed that the money produced by the sales should be paid into the Bank of Ireland in the name of the Commissioners, and that it should be paid amongst the various parties who should be entitled to it without delay. Now, the House might desire to know why it was necessary to interfere at present—what was the mischief which was complained of—and what was the remedy proposed? He would state, in the first place, that he wished to cast no reflection whatever upon the Commissioners of the Court established under the Act. Parliament itself had created a Court without sufficient machinery to accomplish its purposes, and the effect of one of the rules of the Commissioners had been to introduce an amount of business into the Court which it now confessed its inability to dispose of. The Commissioners, notwithstanding their great care and assiduity, had been utterly unable to carry out the necessary operations of the Act, in consequence of the vast mass of business that was brought before them for their disposal. It might astonish hon. Members to be informed that there were now 1,000 estates waiting for sale in that Court. Up to the 1st of April last the total value of the property sold in the Court amounted to 8,657,685*l.*; the sum paid over to parties by the Court was 4,926,194*l.*; and the money locked up, which was not distributed, was 3,731,491*l.* Indeed, it seemed, from a communication which he had received that day, that the sum of money under the control of the Commissioners at present was about 4,000,000*l.* There had been no fault on the part of the Commissioners of the Court, who had been diligent, attentive, and laborious; but one of the rules of the Court had produced immense evil. It was the custom of the Court of Chancery to pay costs to parties according to the priority of their debts; the earliest encumbrancer was paid first, and then the second encumbrancer, and so on, until the funds were distributed in the order of the dates in which the claims of the encumbrancers had been created, and the costs in like manner. But in the Encumbered Estates Court the attorney who brought the estate into the Court obtained the management of the sale even against the will of the owner, and against the will of the majority of the encumbrancers; and the amount of his costs was the first charge paid out of the proceeds of the sale. That arrangement manifestly afforded a direct inducement to attorneys to bring estates into the Court, even in cases in which the parties, on whose behalf they appeared, had, from the late date of their encumbrances, no chance whatever of being paid the amount of their claims. He would state an instance in which that rule had been applied. When the magnificent estates of the Earl of Kingston had been on the point of being sold, that noble Earl, as well as the members of his family, and parties having encumbrances on the property to the amount of 279,000*l.*, had proposed that the management of the sale should be confided to the Messrs. Stewart and Kincaid, who had agreed to discharge the duty on what had been considered by the parties most interested to be very advantageous terms. Mr. Longfield, the Commissioner to whom they had made their application, had said that if he were only to consult his own inclination in the case he should agree to their wishes; but he had added that he could not depart from the rule that the attorney for the first petitioner should be entrusted with the conduct of the sale; and that decision had afterwards been confirmed by Mr. Baron Richards, the head of the Court. The result was that all the arrangements which had been entered into with the Messrs. Stewart and Kincaid had been set aside, and the sale of the property had been left in the hands of Mr. Sadlier, the solicitor for the first petitioner. It would be unjust, however, to the Legislature not to state the great advantages which had been conferred by the Encumbered Estates Court upon Ireland. First of all, the Court was enabled, on a simple petition, to deal summarily with estates; but, secondly, the power of the encumbrancer to sell was confined to cases where the interest on the charges amounted to one-half the rent of the estate; and, thirdly, the great advantage of the Court was, that it gave a Parliamentary title to the property. Thus, then, they had two tribunals—the Court of Chancery and the Encumbered Estates Court—the one being a long and the other a short process; the one a dear and the other a cheap mode of procedure. Could these two systems last in Ireland? He believed that they could not. The state of things in the Encumbered Estates Court had now come to this: That every estate on which money was borrowed in Ireland was brought into that Court, and the consequence was an enormous accumulation of business. He (Mr. Whiteside) had recently been present at a consultation in a cause in which it was a great object that as much time should be gained as possible. A solicitor who was also present suggested that the property involved should be put into the Encumbered Estates Court; and on his (Mr. Whiteside's) remarking that that would be a rapid process, he was told that it might have been so formerly, but that it was now ten times more tedious than the Court of Chancery. He was informed that it would be impossible for a solicitor to obtain a rule for the sale of an estate in the Encumbered Estates Court for six months from the present time, and therefore it was proposed to take the business into the Court of Chancery, for the purpose of avoiding the delay which would be incurred in the Encumbered Estates Court. He would now proceed to state the remedy which he proposed. In 1850, Sir John Romilly introduced a Bill into Parliament, entitled the Summary Petitions Jurisdiction Bill, by which all the old machinery of bills, reports, answers, demurrers, and other useless and tedious forms, were swept away. The effect of this reform had been of a very salutary nature, and showed that the old machinery of the Court of Chancery, when properly applied, would work as well as the new machinery of the Encumbered Estates Court; so that a person could now go into the Court of Chancery, if his case fell within that Act, for the recovery of 50*l*. In fact, the Act for the Encumbered Estates Court, which was passed in 1849, was not in its procedure so good, so quick, or so useful as the Summary Petitions Jurisdiction Act, which was carried in 1850. Now, the simple purpose of the Bill which he then sought permission to introduce, was, to enable the owners of estates to avail themselves of this short, cheap, and quick process, and to graft upon the Court of Chancery all the principles which had been found so useful in the Act for creating the Encumbered Estates Court. He proposed also to extend those principles. He should further observe that the latter Court could not appoint a receiver to an estate; and, although that arrangement would offer an advantage if the sales were immediately effected, it operated in cases of delay very prejudicially against encumbrancers whose claims to the rents continued to be totally ignored for a period extending over more, perhaps, than twelve months. At present the owner of an estate could not go into Chancery at all—he could not file a summary petition with relation to the sale of his estate—nor could he go into the Encumbered Estates Court unless the interest of his encumbrances swallowed up a full half of the annual rental. Now, his Bill proposed to extend the principle of the Encumbered Estates Act to these excepted cases, and to enable the owner, whether he was encumbered to a great or little extent, to sell a portion of his estate in order to save the remainder. Further, an estate could not be taken into the Encumbered Estates Court if the encumbrancer had a life estate, and they could not sell a lease if it was for a shorter period than sixty years. It was true that the Court of Chancery was open to such cases; but they would have to contend with all its present dilatory and expensive proceedings. He proposed to put such cases upon the same footing with ordinary encumbered estates. There was another point in this Bill which he thought would be of incalculable benefit to the landed interest in Ireland. It was found that what was called a Parliamentary title did, in favourable times, enhance the value of an estate to the extent of one, two, or three years' purchase, so that the purchaser was sure he was done with Chancery proceedings for ever. Now, if the Encumbered Estates Court was empowered to give a good and valid Parliamentary title, he could not see why the Court of Chancery should not have similar power. There were at present five Masters in Chancery, who must be paid, though it was probable that their present duties would soon cease. His Bill proposed that one of these Masters should have power to sign a conveyance just as one of the Commissioners in the Encumbered Estates Court now did. The Masters were, all of them, trained men, methodical and industrious, and therefore he proposed no new office, nor the expense of an additional sixpence; but when they were told from a quarter favourable to the Encumbered Estates Court that that Court would not be able to wind up the business that was now before it for ten years to come, his Bill went to remedy so great an evil. He proposed to give all who chose the power to transfer their petitions from the Encumbered Estates Court to the Court of Chancery, under the Summary Petitions Jurisdiction Act, and then the House would see how quickly the mass of petitions at present before the Encumbered Estates Court would be reduced. He ought, perhaps, here to mention the authority on which he introduced this Bill. When the late Government was in office it was referred to the late Lord Chancellor of Ireland to consider how far the Court of Chancery could be reformed and made to do the work of the Encumbered Estates Court, and the present Bill was, in truth, chiefly framed according to his directions. The Encumbered Estates Court cost a great deal of money, and it never was intended to be a permanent Court, of which, perhaps, he could offer no better proof than this, that there was no appeal from it. That was a dangerous and unconstitutional principle. It was intended, he supposed, to remedy a great evil; but still, to sell a man's estate, and give him no appeal—to deprive a first encumbrancer of his priority and give him no appeal—that was a dangerous principle. What, then, was the principle of this Bill? If the Master in Chancery ordered a sale, there was the Master of the Rolls on the spot to appeal to—there was the Lord Chancellor, also, ready to determine an appeal on the spot—so that the object of this Bill, in fact, was to bring into one Bill all that was good in the Encumbered Estates Court, and in the Summary Petitions Jurisdiction Act. Now, he would state one reason why the Encumbered Estates Court ought to be called on to wind up their business. Ireland was not a rich country, and it could not afford to have 4,000,000*l*. of its capital locked up from the creditors, waiting the decisions of a Court that would be occupied for ten years to come, eepecially as new burdens were about to be laid upon it by the Chancellor of the Exchequer. It was necessary to allow the three Commissioners of the Encumbered Estates Court leisure to do that which Sir John Romilly said was their principal object—the distribution of the proceeds of the sales among the creditors. By empowering the Masters in Chancery to sell, they would in fact have five Encumbered Estates Courts, and they might be all sitting on the same day, and the purchase deed would be contained in a few lines. If that were so, and if the Commissioners proceeded to distribute the money that was now locked up, they would speedily work out the object of the framers of the Bill, which was the transfer of the greatest possible amount of land in the shortest possible time, and at the same time giving a Parliamentary title so as to enable the land to command the highest possible price in the market. His Bill had the further object of facilitating the recovery of money secured by recognisance in the Court of Chancery. He proposed to abolish all the old absurd proceedings of *scire facias*, pleas, demurrers, &c., and to proceed by an order served from the Court to show cause why the money should not be paid; and if no sufficient answer was given, then to make the order absolute. He begged to say that he introduced this Bill in no spirit of hostility to the present Government, for he believed that, whether in or out of office, it was the duty of every man to do the best he could for his country. There was one subject which he ought to mention. The Encumbered Estates Court was presided over by one of the Judges of the land, and in consequence Baron Richards was often unavoidably absent from his own Court, the Court of Exchequer—he never went circuit—he never sat in the Central Criminal Court, and so it had happened more than once that a single Judge sat in that Court to hear an appeal from his own decision. Baron Richards had a large and ample salary for the duties of an office which he could not discharge; he had also an additional salary as Judge of the Encumbered Estates Court. He trusted such a state of things would not be permanent, and would not be drawn into a precedent, for it was contrary to the constitution that the Judges of the realm should have anything to hope or to fear from the Government of the day.

Motion made, and Question proposed—

> "That Leave be given to bring in a Bill to facilitate the Sale, Partition, and Exchange of Lands by the Court of Chancery in Ireland, and the recovery of Monies secured by recognisances in the said Court."

SIR JOHN YOUNG said, that the authority to which the hon. and learned Gentleman ascribed the Bill—that of Mr. Chancellor Blackburne—must carry great weight in the opinion of every one; and therefore Her Majesty's Government were disposed to receive the measure in the spirit in which the hon. and learned Gentleman had stated that he intended to propose it, when he said that he did not bring it forward in a spirit of hostility to the Government. The Government had a scheme under consideration; and, therefore, they could not pledge themselves to the measure of the hon. and learned Gentleman, nor could they promise to give him any facilities for carrying it on; but they were prepared to bestow on it the fullest consideration.

MR. J. D. FITZGERALD said, he was compelled to advert to the remarks made by the hon. and learned Member for Enniskillen (Mr. Whiteside) with reference to Mr. Baron Richards. That learned person was present in the Court of Exchequer when his services were required. When Sir John Romilly introduced the Encumbered Estates Bill it was necessary to place a bold, experienced man at the head of the Court; and the Government of the day wisely selected Baron Richards, a man of matured judgment. The additional emolument Baron Richards derived from sitting from one year's end to the other, eternally at work without vacation, was 800*l*. If he (Mr. Fitzgerald) was to understand that the Encumbered Estates Court was to be absorbed by the present Bill in the Court of Chancery, he should feel himself bound to give the measure his most decided opposition. The Court of Chancery was at present actually blockaded with business. Public opinion would not be satisfied with less than a permanent Encumbered Estates Court, and not only an Encumbered Estates Court, but a Court having a like jurisdiction with reference to unencumbered estates. The Encumbered Estates Court showed that the technicalities which surrounded real estate might be swept away without danger, and that there was no reason why real estate should not be made as marketable property as any other. Why the Encumbered Estates Court had so much business before it at present, was because the Legislature, never calculating on such an extent of business, had not provided it with a sufficient staff. The evil was to be remedied, not by abolishing the Court, but by increasing its staff. It had been said that the Court had been used for purposes of delay; but he would give an instance to the contrary. There was an equity case, in which final decree was given in 1811—the first sale taking place in 1824—in which the proceedings were afterwards found erroneous, and the purchaser discharged, and in which, with bill, cross bill, revivor, and new tenants in tail coming in every day, the proceedings came, in 1852, to present such a mass of confusion as nobody could disentangle. That case was brought into the Encumbered Estates Court, by which the property was forthwith sold, and the proceeds distributed. The statement that 4,000,000*l*. were locked up in the Court was erroneous. The sales had exceeded 8,000,000*l*.; the sum distributed 6,000,000*l*.; 2,000,000*l*. were in bank, and 606,000*l*. had not yet been brought in.

VISCOUNT BERNARD said, he could assure the House that a measure of Chancery reform would be most welcome to the landed interest of Ireland, whichever side of the House it came from. At present the unencumbered proprietor was in a worse position, as regarded the sale of his land, than the encumbered one, inasmuch as the latter could sell in the Encumbered Estates Court, and give a Parliamentary title, whereas the former could not convey any such title through the Court of Chancery, and was consequently impeded in his endeavours to borrow money, which, with a Parliamentary title, he could readily do.

He should support the measure of the hon. and learned Member for Enniskillen.

Mr. NAPIER said, he thought some misapprehension existed with respect to what had been said of Baron Richards. There was no doubt that Baron Richards was asked to take that place which he occupied at the head of the Encumbered Estates Court. He was a Judge of great experience in the Court of Exchequer, and discharged his duties with great assiduity. What the hon. and learned Member for Enniskillen (Mr. Whiteside) had said cast no imputation on Baron Richards, but was merely a statement that he could not be in two places at the same time. There was also a misapprehension in supposing that the intention of the Bill was to absorb the Encumbered Estates Court. What the public desired was, to have facility for sale and security for title, and they had a right to expect that as much facility and cheapness as was consistent with the administration of justice should be secured in any Court of competent jurisdiction—that the title should be a Parliamentary one—and that the decretal title of the Court of Chancery should be equally efficacious with the title given under the Encumbered Estates Act. As a Member of the Irish Privy Council, to whom appeals lay from the Encumbered Estates Court, he could bear his testimony to the care and diligence with which titles were examined; Parliamentary efficacy was added to a real and well-examined title. He had heard it remarked that it would be an actual advantage to have an estate encumbered for the purpose of effecting a sale through the Encumbered Estates Court. The object of the Bill, however, was not to absorb but to extend the facilities of that Court to the Court of Chancery.

Mr. V. SCULLY said, it was quite unnecessary for him to enter upon any vindication of the learned Judge who presided so ably as Chief Commissioner of the Encumbered Estates Court, and to whose invaluable services testimony had been already borne on both sides of the House. It was, however, right he should mention, that the hon. and learned Member for Enniskillen (Mr. Whiteside) was mistaken, in asserting that Baron Richards had at all neglected or had failed to discharge his duties as Judge of the Court of Exchequer. He attended assiduously to the business of that Court during the whole of term time, which, however, occupied only about twelve weeks of the year. His after hours during those twelve weeks, and the entire residue of the year, were devoted to the business of the Encumbered Estates Court, and to chamber motions, which he heard in the absence of his brother Judges upon circuit. For all this extra labour, his additional emoluments scarcely exceeded 700*l.* a year, as he had accepted a much lower remuneration than the salary of 3,000*l.* a year, which was provided by the Encumbered Estates Act, for the Chief Commissioner; and he also paid for the services of an extra Judge to go circuit in his place. By these arrangements a considerable saving had been effected to the public. It was also a mistake to state that the business of the Court had been inefficiently discharged. The reverse was notoriously the truth, and was, indeed, demonstrated by Returns he had moved for, and which were recently supplied to the House. From those Returns, it appeared that out of 2,692 petitions, lodged for the sale of estates up to the 1st of April instant, no less than 2,668 were already fiated by the Commissioners, leaving only twenty-six petitions upon which no order had been pronounced. The petitions upon which conditional orders only had been made did not exceed 136 in number. The total produce of the sales was 8,790,917*l.*, of which sum 6,181,448*l.* was already paid out, and 606,159*l.* was not yet lodged, leaving in Court a sum of 2,003,312*l.* (not 4,000,000*l.*, as erroneously stated by the hon. and learned Gentleman); and a great portion of that sum was, in truth, allocated, though not yet paid out. There were 173 owners, whose estates had been sold upon their own petitions. The total number of estates sold was 917, which were distributed among 3,428 purchasers. The salaries of the officers on the staff of the Commission amounted to 7,030*l*; or, including the salaries of the three Commissioners, to about 12,000*l.* a year; for which small annual expenditure so great amount of business had been done, and of social good effected. He quite admitted that, upon the first institution of that Court, much individual hardship had been inflicted; but that hardship had, in a great measure, passed away, and might be altogether removed, by enlarging the powers of the Court, and enabling them, among other improvements, to authorise partially encumbered owners to borrow money on their estates upon a Parliamentary title, in the manner suggested by the noble Lord the Member for Bandon (Visct. Bernard), and which had been previously urged upon Parliament by a numerously signed petition of Irish landowners, presented to both Houses in the year 1850. He had himself given notice of a Bill for the 10th of May next, to facilitate further the transfer of land in Ireland; and by that Bill he should propose to perpetuate the jurisdiction of the Encumbered Estates Court with greatly enlarged powers. He had some experience in the proceedings of the Court of Chancery; and he believed no Court could be worse adapted for facilitating the sale and transfer of land. It had abundance of other business to transact more suited to its peculiar machinery; and he should altogether object to the idea of transferring to it the jurisdiction of the Encumbered Estates Court. At present, however, he should not oppose the mere introduction of the proposed Bill, but would reserve all further observations on the subject for a future occasion.

Mr. GEORGE said, he had never conversed with any person, either professional or connected with the landed interest in Ireland, who was not of opinion, not only that it was desirable, but that the time had come for a retransfer of that extraordinary, however necessary, jurisdiction of the Encumbered Estates Court to the ordinary tribunals. If the Encumbered Estates Act had worked good, it was through the zeal and ability of the Judges who had administered it. He hoped steps would be taken for a rigid and careful examination of titles in Chancery similar to that which we had in the Encumbered Estates Court.

Leave given.

Bill ordered to be brought in by Mr. Whiteside, Mr. Napier, and Lord Naas.

Bill read 1°.

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, April 28, 1853.

Minutes.] *Took the Oaths.* — Several Lords.
Public Bills.—1ª South Sea and other Annuities Commutation.
3ª Clergy Reserves (Canada).

ADDRESS OF CONGRATULATION—HER MAJESTY'S REPLY.

The Queen's Answer to the Address of Congratulation on the Birth of another Prince—*reported.*

"I thank you for your loyal and dutiful Address. The interest which you have expressed in My Domestic Happiness is very gratifying to Me."

CLERGY RESERVES (CANADA) BILL.

Order of the Day for the Third Reading read.

Moved—That the Bill be now read 3ª.

The Earl of WICKLOW said, that he wished to ask a question, being very anxious to obtain some information respecting the position in which the country would stand after this Bill had received their Lordships' sanction. When this Bill was introduced into the House of Commons, it contained three clauses, of which one, the third clause, repealed the guarantee clause of the Act of 1840, and in that shape was read a second time by that House. But, on going into Committee, the noble Lord who had charge of the measure (Lord John Russell), stated he had made the discovery that there was a contract implied with regard to that clause, which had been introduced into the Act by Sir Robert Peel, in order to satisfy the scruples of the Archbishop of Canterbury and his right rev. Brethren; and, that, therefore, he felt it to be his duty to omit the third clause of the Bill, which would have repealed it. The consequence was, that some of the best supporters of the Government in the House of Commons objected to proceeding—actually divided the House upon it; and, as the noble Earl opposite stated the other night, the Bill was carried by the Government against the opinion of their own friends, and by the assistance of the Conservative party. One hon. Gentleman in the House of Commons declared that he considered the removal of that clause so unjust to the people of England, that, on the third reading he would move its reinsertion. But when the time for the third reading arrived, the noble Lord (Lord John Russell) told the House that he had made another discovery—and, that, on consulting the law officers of the Crown, he was informed that the clause would, under this Bill, be altogether inoperative. The question was then put to his Lordship, whether he had taken the regular written opinion of the law officers of the Crown on this subject? and he replied, No, he had not; but he had ascertained that that was their opinion in the course of a conversation with those learned Gentlemen. Under these circumstances, the hon. Member who had given notice of his intention to move the reinsertion of the third clause, withdrew his Motion, and the Bill came before their Lordships with the third clause omitted accordingly. The other night, however, the noble Duke (the Duke of Newcastle) stated to their Lordships that he considered the clause in the Act continued in force as much as ever. Now, if this were so, there was some discrepancy between the statement of the noble Duke and that of the noble Lord in the other House. The sum of money at issue was certainly but a very small one. It was only 7,700*l.* for the clergy of the Church of England, and 1,580*l.* for the clergy of the Church of Scotland in the colony; but what he wanted to know was this—if the Bill were now read a third time, would the Consolidated Fund of this country be responsible for making good any deficiency in the reserves to that extent, or would it not? He should like to have the opinion of the Judges on that point, for he was inclined to believe, that, under the Bill in its present shape, the people of this country were responsible for the payment of the deficiency, if it occurred.

LORD REDESDALE wished to know, before the Bill was passed, if the Government had any objection to introduce a clause into the Bill for placing the rights and dues of the Church of Rome in Canada on the same footing, as regarded the protection afforded by the Act of 1840, that, under this Bill, the Protestant clergy reserves were to be placed upon? He must say he should have been glad to see a clause to that effect introduced into the measure; but he by no means desired to make the question a party one. Supposing, however, that, in the next session of the Legislature of Canada, a proposition were made, under the responsibility of the Government of Canada—and it was not impossible for such a proposition to be made—for devoting the clergy reserves of the Protestant Church to secular purposes, it appeared to him that the best means of meeting that proposition by those who were opposed to it would be to desire that the same provisions should be extended to the dues and rights of the Church of Rome, and that those dues and rights should stand in the same position as the clergy reserves of the Protestant Church, inasmuch as the tithes were taken from the Protestant Church on the ground that the clergy reserves would supply the place of those tithes. If, then, the question of secularising the clergy reserves were dealt with by the Canadian Legislature, the question should be treated as one which affected the rights and dues of the other sects as well.

The DUKE of NEWCASTLE: I think I shall be able to satisfy the noble Earl (the Earl of Wicklow) that he is under some misconception with respect to what fell from my noble Friend in another place, and that there was no real discrepancy between his sentiments upon the third reading of the Bill, and the remarks which fell from me on a former occasion in your Lordships' House, on the second reading of the Bill. I think that the noble Earl has misunderstood what was said with respect to the clause in the Act of 1840, believing it to be applicable to the clause omitted from the present Bill in the other House. The statement which I made upon the second reading, and which I still maintain, was perfectly correct, and I will now repeat it. I said that the guarantee clause introduced in the Act of 1840 would have precisely the same effect and the same power, so far as legislation was concerned, after, as it had prior, to the passing of this Bill, except, of course, so far as there may be an impression in the minds of any individual Members of your Lordships' House that there may be a greater probability of the secularisation of these reserves by the Legislature of Canada than there would be by the Imperial Parliament. The omitted clause was introduced into the Bill by me, under the apprehension, which now seems to be entertained by many, that when the guarantee clause was originally introduced in the Act of 1840, at the request of the Archbishop of Canterbury, there was no possible chance of the fund falling below the amount specified in that guarantee. It is perfectly clear that such was not the apprehension of the most reverend Prelate at that time, otherwise for what purpose was it introduced? The clause was introduced under the apprehension that under some circumstances, such as the possible mismanagement or deterioration of the property, or some unforeseen accident, the fund might fall below the amount specified as then received. Upon ascertaining that at the time of the introduction of the guarantee, there was that fear entertained, Her Majesty's Government came to the conclusion that it would be wrong by any specific enactment to repeal that guarantee, which, whatever may be the opinions with respect to its coming into effect, was certainly considered at the time a valid guarantee against a sudden deficiency; and against that contingency the guarantee will be as effective, without the clause omitted in the other House, as it is at present. And if it should happen, under any circumstances—the clergy reserves remaining upon the same footing as at present, with the single exception that the authority over them will be given to the Legislature of Canada, and will not remain with the Imperial Parliament—if, I repeat, by any circumstance the funds should fall below the specified amount, the guarantee will have the same effect as before the passing of the present Bill, and no other. But according to the opinions of the law officers of the Crown, if these reserves should ever be secularised, then, by removing the condition upon which the guarantee was given, and upon which it rests, undoubtedly the guarantee itself would fall to the ground, and in the event of such secularisation, this country would not be answerable in the shape which the noble Earl has anticipated. In the event, therefore, of the clergy reserves being secularised by the Legislature of Canada, there would, under the guarantee of the Act of 1840, be no security under which the funds of this country would be liable to make up the deficiency; neither would there be any such liability if the same event were to take place under the operation of an Act of the Imperial Parliament. In fact, as to the condition of the guarantee, and as to its objects and results, it remains upon exactly the same footing as before. With respect to the question of the noble Lord (Lord Redesdale), I should object to the introduction of any words into the Bill such as he has recommended, upon several grounds. I think that the object of the Bill, its title, and its enactments, are of such a character that it would not be desirable to introduce into it what I may call "alien matter." There is also a much stronger reason—at any rate, one which has great weight with me. I am most anxious that this Bill should go out in its present form, as a boon to the colony of Canada, conferred upon it by this country at the request of its inhabitants, and as a boon carrying peace to the colony. I should most deeply reject if it were to be hampered by any conditions which might tend to set any one class of religionists against the other; and still more if it should go out to the colony, carrying with it the impression that we thought it necessary to insert in it any security against the free exercise of the will and intention of the Canadian Legislature, or that, in order to prevent the secularisation of the estates of the Established Church of England, in Canada, we had thought it expedient to put the rights and dues of the Roman Catholics as a "make-weight" against such a step. I have no wish, however, that the rights and dues of the Roman Catholic Church should stand in any way upon a different footing from that in which other portions of the clergy reserves will stand after the passing of this Bill. It would be inconsistent with the position I have taken in the discussions in this House, and to the principle of the Bill itself, that such should be the case; but I confess that, to my mind, the proposal of the noble Lord would afford no effectual security against the occurrence which he deprecates. I must remind your Lordships that in the discussion upon the Amendment on Monday last, the noble Earl opposite (the Earl of Derby) expressed his opinion that the provision requiring certain Acts of the Canadian Parliament to be placed upon the table for a period of thirty days before receiving the assent of the Crown, was one which entailed considerable inconvenience, and was of very little practical advantage. In that opinion of the noble Earl—the result, no doubt, of considerable experience in the Colonial Office—I entirely concur. This provision does not extend merely to the clergy reserves, and the rights and dues of the Roman Catholic Church in Canada, but to a great many enactments upon other subjects dealt with by the Canadian and other Colonial Legislatures; and the result I believe to be that considerable doubt often exists in the Colonial Office as to what Acts come within the operation of this provision and which do not, and I am not certain whether some mistakes have not been made on this point. I think it would be desirable, not merely with respect to the rights and dues of the Roman Catholic Church, but of the clergy reserves, to repeal this provision, so that the Acts of the Canadian Legislature should stand upon the same footing as those of the Legislatures of all other colonies, and that, instead of requiring the Acts to lie for thirty days upon the table of the House, the consent of the Crown should be given upon the responsible advice of the Colonial Office. These being my opinions, I shall certainly endeavour to carry them out by introducing a Bill for that purpose. There are, however, reasons why at this moment I should not like to specify any particular time for introducing such a measure.

The EARL of WICKLOW said, as he understood the noble Duke, if in consequence of any secularisation either by the Canadian Parliament or the Parliament of this country the sum should fall below the required amount, then the Clause would cease to have effect. That was under the existing law. He did not think they would find a single sentence in the Act to justify that opinion. The language of the Act was, that if at any time the funds should fall below the specified amount from any cause—not merely from secularisation, but from any cause—the Consolidated Fund of this country was liable.

EARL GREY assured his noble Friend that if he thought with him that the guarantee fund would be a burden on the people of this country, he should object to the Bill as much as he did. They had, however, the opinion of the law officers of the Crown that it would not have that effect; and, besides, a portion of the reserves had been sold, and out of the proceeds a sum was actually invested, yielding a sum which was more than sufficient to save this country from being called on to make good any eficiency.

On Question, *Resolved* in the *Affirmative:* Bill read 3ª accordingly: Then it was *moved*, That the Bill do pass; which being objected to; on Question, *Resolved* in the *Affirmative;* and Bill passed.

LORD REDESDALE wished to guard himself against being considered as entirely acquiescing in doing away with the provisions of the Act of 1840, because he thought there were certain matters which might be called of Imperial interest, and which ought not to be affected by the present measure.

REGISTRATION OF ASSURANCES BILL.

Amendments *reported* (according to order).

The LORD CHANCELLOR proposed a Clause giving compensation to certain clerks employed in the registering of judgments in the office of the Master of the Crown.

LORD ST. LEONARDS said, he wished to correct a misapprehension of what had fallen from him on a former occasion in regard to this Bill. He had been represented as saying that he agreed in the alterations proposed by his noble Friend:—but what he did say was, that neither in that nor the present stage of the Bill did he intend to offer any opposition to the measure, but that all his objections remained entirely as before. He objected to what his noble Friend now proposed. When he (Lord St. Leonards) introduced a Bill for the registering of judgments and such like matters, which Bill had worked admirably well, he took care to give to the Master of the Crown Office the new office created under that Bill, and which had turned out a lucrative one. This Bill, which would put the landed interest, to an enormous extent, now proposed to take power to transfer that particular office, which was working exceedingly well, to a new office, and to give out of the Consolidated Fund compensation to the person who now held that office. As that office was a highly productive one, it would require a great many thousands to satisfy the holder in the way of compensation. His noble and learned Friend now proposed that the clerks in that office should have compensation. He (Lord St. Leonards) objected to such a proposal. What possible claim could a common clerk have for the loss of an office? He was removable at an hour's notice, and was not afterwards prevented from following his occupation as a clerk elsewhere.

Clause agreed to; further Amendments made; and Bill to be read 3ª on Monday next.

TRANSPORTATION.

EARL GREY rose to ask a question of the First Lord of the Treasury, of which he had given him notice. In doing so, he must say a few words to explain its object. He might remind their Lordships that in 1846 the difficulties which had arisen from the system then in force as to the transportation of offenders had become so serious, that it was absolutely necessary to make some change in the mode of carrying sentences of that kind into effect. As soon as the Administration of Lord John Russell was formed, this subject was taken into consideration. After much inquiry and deliberation, an extensive change in the former system was determined upon; and as soon as it had been decided on, papers containing a full explanation of the measures intended to be adopted were laid upon the table of their Lordships' House in the beginning of 1847. Much alarm was excited by the announcement of these measures in their Lordships' House; although the changes which had been made did not extend to any discontinuance of the ancient practice of ultimately removing from this country offenders sentenced to transportation. At the instance of a noble and learned Lord (Lord Brougham) a Committee of their Lordships' House was appointed to inquire into the subject. That Committee obtained a great deal of most valuable information, and came to a conclusion very strongly against the abolition of the system of transporting offenders. In consequence of the report of that Committee, and of additional information obtained from the Colonies, the scheme originally determined upon was to a certain degree modified, and since that time it had continued in force, as it was then arranged. It was not necessary for him to describe the plan which was thus adopted: he would only say that the principle of that scheme was this—that offenders were to be subjected to punishment in this country, first to separate confinement, and then to employment on the public works; and ultimately they were removed to the colony on tickets of leave. That system had worked very successfully—the strict restraints to which convicts were subject having been found to have the best effects in securing their good conduct. Some few months ago it was announced, in that and the other House of Parliament, that the removal of convicts with tickets of leave to Van Diemen's Land was to cease altogether, and that even with regard to Western Australia a small number only of convicts was to be sent out. Under the system of punishment which had been for five years in force, there was a very considerable number of convicts undergoing the first part of that punishment in the penal establishments in this country, who had been sentenced to transportation for various periods; and to those men it had been held out, by rules printed and hung up in their cells, that by a course of good conduct they would entitle themselves at certain periods to be removed to the colonies with tickets of leave. The question, therefore, which he wished to ask was this: whether any and what arrangements had been made for disposing of the convicts now in the penal establishments at Portland, Dartmoor, Gibraltar, and Bermuda, and who, under the regulations in force when they were sent to those establishments, might expect to go to the colonies with tickets of leave; and also how many convicts are still detained in those establishments who, under those regulations, would be already entitled to be removed with tickets of leave? He had only further to add, that the very keystone of all the improvements which had for some years been adopted in the treatment of convicts had been the keeping faith most rigidly with them, and holding out no expectations of indulgence in consequence of good conduct, which were not to be scrupulously fulfilled. He was now anxious to know how far that rule was adhered to.

The EARL of ABERDEEN: No one knows better than the noble Earl the great difficulties with which this subject is surrounded, and no one has taken more pains than he has to overcome those difficulties. But the question is, how far it is practicable literally to comply with the expectations that have been held out to those convicts, to which the noble Earl has referred. Now, I entirely agree with the noble Earl that it is indispensable to observe good faith with all those to whom we have given reason to expect that the consequence of their good conduct will be their removal to the colonies with tickets of leave; but the fact is, that the sending to the colonies such a number of convicts sentenced to transportation in the way stated in the rules referred to by the noble Earl, is literally impossible; still, though it is not possible to comply literally with the terms of those rules, good faith may still be substantially observed towards them by the diminution of the duration of punishment, under certain regulations, which, although I do not say it might be so welcome as the sending them to the colonies, appears to be all that is practicable under the circumstances. I may state that a system of diminution of the duration of punishment according to the deserts of the individual is now under the consideration of my noble Friend the Secretary of State for the Home Department, and I hope will be speedily adopted. I am not about to give any opinion with respect to the principle of adhering to the punishment of transportation. That will be a subject for future consideration and inquiry. In answer to the noble Earl, I may say the number of convicts in the places to which he has referred, who are now entitled to what are called tickets of leave, according to the regulations that have been alluded to, not making allowance for invalids, is about 1,052; and towards those persons undoubtedly, though it will not be possible to send them to the colonies as they expect, their number being so large, some difference of treatment will be observed. The noble Earl has not entered into any consideration of the system which is to be pursued hereafter with respect to the treatment of those persons. I agree with him that these establishments have worked remarkably well, and I hope the principle of them will be still more extensively applied hereafter; and, therefore, I do not feel called upon to go further into the subject, but I do think that a discussion in this House, in which the question may be fully inquired into and thoroughly examined, would be essentially useful.

EARL GREY: I wish now to ask this question of the noble Earl—Am I to understand from the noble Earl that the arrangement is to discharge in this country the convicts now in those establishments, who under the existing rules would have been sent abroad? Am I to understand that that is to be the arrangement?

The EARL of ABERDEEN: On certain conditions. The subject is now under the consideration of my noble Friend the Home Secretary, and no decision has yet been come to on the subject.

EARL GREY: My Lords, I must confess I have heard that announcement with considerable surprise, because it is now some months since Parliament was informed that the existing arrangements were to be changed. If you discontinue sending those convicts abroad, you must discharge them at home. Without the authority of Parliament, against the consent of Parliament, and against the recorded opinion given within the last two or three years of this and the other House of Parliament, Her Majesty's Government have taken it upon themselves—I venture to assert, without any sufficient necessity—to repeal the punishment of transportation, which for 200 years it has been the policy of this country to adhere to. I do not mean to go into a discussion of this question at this moment, but I do feel that Parliament and your Lordships have a right to be surprised that before this change was carried into such sudden and violent effect, your Lordships were not made acquainted with the arrangements which were to be substituted for those previously in force. Those changes have been carried into effect in a manner, as appears from the statement of the noble Earl, which has already involved a violation of good faith towards those unhappy men who are now in the penal establishments of this country; because the noble Earl has told us there are upwards of 1,000 men now in those penal establishments who, under the regulations printed by the authority of Government and with the sanction of Parliament, and hung up in their cells, have a right, in consequence of their good conduct, to expect from this time to be relieved from penal labour, and who are still subject to the severe coercion which is inflicted upon them in those establishments. My Lords, I say that is an announcement which I, for one, have heard with very great regret.

The EARL of ABERDEEN: The noble Earl is entirely under a mistake. There has been no decision come to on the subject. How does the noble Earl know, until it is decided, whether it will be necessary to come to Parliament or not? I said no such thing. I said the matter was under consideration. The noble Earl already knows the difficulty of forcing convicts upon the colonies; but I have only said that what is possible under the circumstances will be done. I am admitting the principle of keeping faith with those men to the fullest extent that is practicable and consistent with equity and justice; and I say a proposition will be made on the subject, which I hope may prove satisfactory. As yet none has been decided upon, and, therefore, I can give the noble Earl no further answer than that we will endeavour to act upon a principle of fairness and justice towards those persons.

EARL GREY: My Lords, if I have made a mistake, it is the noble Earl himself who is answerable for it. Your Lordships will remember that I asked—"Am I to understand that those men are ultimately to be discharged in this country?" The noble Earl said, "Yes, under certain conditions;" but, I say, if you have decided to discharge these men, under certain conditions, in this country—I do not deny the legal power you have under the Transportation Act—you have taken upon yourselves virtually and substantially to abolish the punishment of transportation before you have taken taken the opinion of Parliament upon the subject. The noble Earl said I was aware of the impossibility of forcing the colonies to receive convicts; but I will remind the noble Earl, that, according to the latest accounts from Van Diemen's Land which have appeared in the public newspapers, and in the official papers on your Lordships' table, the reluctance to receive convicts up to the latest dates was, that when the last convict ship arrived there, such was the concourse of masters wanting to employ them, that it was actually necessary to employ a sentinel to keep order among them, and to have a ballot in order to decide the priority in which they should make their offers to those whom they wished to employ.

Lord CAMPBELL must say he had heard with the deepest regret, indeed with dismay, the intimation of the noble Earl at the head of the Government, that transportation substantially was no longer the punishment to be awarded to criminals. That was the purport of the intimation they had received that night. He was not in a situation to discuss the question whether or not it was possible to continue the system of transportation. He rose only to express the grief and astonishment he felt at the result announced. It was not for him to say that we should insist upon the colonies receiving convicts against their inclination; but he should have thought the probability was that it would have been for the advantage of the colonists themselves to have received those men after the reformatory discipline they had received in this country after their conviction, and previous to their being expatriated. He could not sufficiently declare to their Lordships what the frightful effects would be that would follow the sudden discharge of that number of convicts. The noble Earl had, in effect, intimated that in a short time there would be a thousand convicts set loose in this country. He (Lord Campbell) had no doubt if those men were sent to the colonies, after the punishment of the silent system, and after they had received religious instruction, and the useful trades they had learnt at home since their conviction, that they would be speedily absorbed in the population, and become useful members of society; but what would be the consequence if they were discharged in this country? Without the possibility of obtaining employment, they would speedily return to their former habits; our streets and highways would soon swarm with robbers; for there was not the slightest possibility of their being restored to society, so as to become useful members of it. A thousand convicts were to be set at liberty immediately, and they were, he presumed, to be speedily followed by another thousand. He believed the number of convicts now under sentence of transportation amounted to 20,000 at least. One thing was certain—that if the course hinted at by the noble Earl (the Earl of Aberdeen) was to be pursued, they would have to increase the number of Criminal Judges. If a necessity had arisen for that course on the part of the Government, it was a necessity that was to be deeply deplored. Under the system now substantially abolished, there was a prospect of those men being reformed and restored to society; but the prospect now was that their reformation would be impeded, and that they would become the pests of the community.

The Marquess of LANSDOWNE said, he confessed it was most essential that this question should engage the attention of the Government, and nobody was more glad than he was that his noble Friend (Earl Grey), though out of office, should continue to give his attention to this subject; yet it was one on which their Lordships ought to come to no hasty conclusion. It had been imputed to his noble Friend (the Earl of Aberdeen) that the Government had decided that transportation should be discontinued; but he (the Marquess of Lansdowne) did not understand that the Government had adopted any such principle, and he, for one, clung, as he had done throughout the whole of his life, to the hope which had been entertained by many benevolent and philanthropic men in the last and present generation, that transportation might become the means by which at once the two great objects of legislation in regard to the trentment of criminals might be attained, namely, an adequate punishment for the commission of crime, and the reformation of the criminal. At the same time, their Lordships must be aware that the great wealth and prosperity of the Australian colonies, especially since the recent gold discoveries, had in a measure disqualified them for the transportation of convicts, since they had ceased to be objects of fear and apprehension to criminals, but rather objects of attraction; while, as regarded that important point, their reformation, perhaps there were no places in the world where that object was less likely to be obtained, owing to the temptations abounding, if not to the commission of crime, at least to irregular habits. When, therefore, their Lordships and the Government had to deal with that great change, and to deal with it under circumstances of the greatest difficulty, was it wonderful that the Government should take some little time to consider before they made up their minds as to the course to be taken? All he understood his noble Friend at the head of the Government to say was, that faith should be kept with the convicts, to whom promises had been made by the mitigation of their punishment; but whether in this country or not, had not yet been determined. He would venture to suggest for the consideration of Government that convicts might be sent to the Falkland Islands or to Greenland.

The EARL of DONOUGHMORE wished to know whether the attention of the Government had been directed to the necessity of providing additional accommodation for convicts in this country in the event of transportation being discontinued?

The EARL of ABERDEEN was understood to reply in the affirmative.

LORD CAMPBELL trusted their Lordships would excuse him for setting the result of recent experience against the assertion of the noble Marquess, that transportation was no longer considered by the convicts as a punishment, because the colonies had become objects of attraction; for he would undertake to say, from his experience on circuit, that when the sentence of transportation was pronounced, it apparently, and he believed really, made as deep an impression as ever on the convicts on whom it was pronounced. When sentence of transportation for ten or fifteen years was passed, the impression was as deep as ever upon the convicts, the families of the convicts, and the bystanders. Those amongst their Lordships who had been present in a criminal court when sentence of transportation was pronounced, must be aware that, although it was short of the sentence of death, it did produce a very deep impression, and that any sentence of imprisonment to be suffered in this country, no matter how long, would not produce any effect at all equal to that. He would remind those Members of the Government who were considering the terms upon which the limitation was to be made, that in the neighbouring country of France, where they had taken every precaution, and where a surveillance that lasted for life was placed over the convict, when he was restored after twenty years passed in the *travaux forcées*, all the precautions were found to be ineffectual. He was informed by a person of veracity that there was hardly an instance in which a person so sentenced had not returned again to the same course of life, and been, if possible, worse than ever.

LORD BERNERS rose only to say that he had intended to present a petition in reference to the subject of prison discipline, and to make some remarks on the subject; but in consequence of what had fallen from the noble Earl (the Earl of Aberdeen) he should not consider it needful at that moment to do so. The petition seemed to complain of the inefficiency of the system of discipline in force in prisons.

The DUKE of NEWCASTLE did not wish to say anything at present with regard to this country, nor to dispute what had fallen from the noble and learned Lord, anticipating and hoping that a full discussion would be raised on the question in all its bearings, in connexion both with this country and the colonies, when, as regarded the colonies, he would be prepared to express the conclusions at which he had arrived on this subject; but he wished to set his noble Friend (Earl Grey) right as to what he had stated relative to the latest accounts from Van Diemen's Land before Parliament—meaning of course those that had been most recently printed. He was not quite certain of those being the most recent accounts from Van Diemen's Land; but there had been laid upon the table of the House, or were now in the course of printing, papers which he thought would convince his noble Friend that as regarded Van Diemen's Land, there was the very strongest opposition to any further number of convicts being sent to that colony. He was sure that his noble Friend could not dispute that the strong remonstrance of the Legislative Assembly of that colony afforded a decided indication of the views of a large portion of the inhabitants of that colony; and he believed, also, that his noble Friend would find that the feeling had increased within the last twelvemonth against any continuance of the system. He was aware that that able and excellent public officer the Governor of the colony, Sir William Denison, differed in opinion with the majority of the inhabitants of the colony, and with Her Majesty's Government, as to the propriety of abolishing transportation—at any rate as connected with that colony, and that it was desirable to continue it, as the colony would suffer from the discontinuance of it; but the feeling of the colonists, to which he was sure their Lordships would attend in a matter of this kind, was rapidly increasing against the continuance of this system. He did not think that his noble Friend had a right to argue so strongly with respect to the readiness to absorb those convicts within the colony when they arrived there; and he must say he thought that the circumstance referred to by the noble Earl was explainable on other and very different grounds from an anxiety on the part of the colonists that the system should be continued; and he could not help thinking that the noble Earl must be aware of the explanations that had been given on more than one occasion in reference to what at first sight appeared to be somewhat at variance with their expression of opinion.

The **Earl of DERBY** said, he had no doubt of what might be called the double feeling existing in Van Diemen's Land; that was to say, that the feeling in Van Diemen's Land of a portion of the population, was against the receiving of convicts, and that upon the other, there was a desire among the masters to have the opportunity of employing convict labour; but he must say that he should have drawn a totally different inference from the prevalence of these two convictions from that which had been arrived at by Her Majesty's Government. The inference which he should have drawn would have been this, that it would have been a perfectly legitimate way of satisfying the general feeling in Van Diemen's Land if the Government had intimated that attention would early be directed to that subject, with the expectation that the system of transportation would be discontinued, and, at the same time, the two well-founded objections touched on by the noble Earl—the breach of faith which the Government had incurred with regard to the convicts who were entitled, by the engagement entered into with them, to be transported, and the want of sufficient accommodation to meet the sudden discontinuance of transportation—might have been overcome. He must beg to say that that was the course which Her Majesty's late Government had intended to pursue on the subject of transportation, as would be seen by the noble Duke on reference to the language used in Her Majesty's Speech. The late Government were certainly of opinion that the longer continuance of transportation to Van Diemen's Land should not be persevered in; but so far from desiring to discontinue transportation as a secondary punishment, which they thought it necessary to preserve as a secondary punishment, the contrary was the fact; and so anxious were they that no misapprehensions of their sentiments should take place on the subject, that the terms in which they referred to it in the Queen's Speech were couched in these cautious words:—

> "The system of secondary punishment has usefully occupied the labours of successive Parliaments; and I shall rejoice if you shall find it possible to devise means by which, without giving encouragement to crime, transportation to Van Diemen's Land may, at no distant period, be altogether discontinued."

He would not say that Her Majesty's Government had arranged all the details, but the system had been very carefully considered, and they believed they did see their way to the adoption of a system that might preserve transportation as a secondary punishment, and at the same time secure, at no distant period, that systematic transportation to Van Diemen's Land should be discontinued. He confessed that he thought Her Majesty's Government had taken a hasty step when, without having made up their minds as to the course they would ultimately pursue, they had at once discontinued transportation to Van Diemen's Land; and announced the decision to the persons who were entitled to claim the privilege of being transported under certain terms, before they had clearly seen their way as to their future course. He thought the course pursued by them was hasty, and might have been advantageously superseded by intimating to the colony their expectation of being able to discontinue transportation, so that a few years might have intervened to allow of sending out those with whom the Government had entered into a compact, and who might have been sent out without exciting the fears of the colonists, and have been absorbed in the colony without difficulty.

The **Duke of NEWCASTLE** submitted that it was quite as important that they should keep good faith with the colonists, as well as with the convicts; and undoubtedly there was a strong impression on the minds of those who were connected with Van Diemen's Land that a promise had been made on the part of the Government that transportation to that colony should immediately cease. He had received remonstrances in January last from persons connected with the colony, stating they had heard that a ship had been chartered to send out convicts there; that the present Government had committed a gross breach of faith, and should be bound by the promises made by the late Government. He inquired what those promises had been, and he found they did not bear out the anticipations of those gentlemen, because all that had been said on the part of the late Government was that no further transportation should take place so soon as arrangements were made in this country for the purpose. He had been informed that it was the intention of the late Government to send no more convicts to Van Diemen's Land after the close of the year; and he thought that when they had determined not to send convicts to a colony reluctant to receive them, the sooner the system was put an end to the better, particularly when it was found there was no absolute impediment as regarded the infliction of punishment in this country. He would remind their Lordships that when they withdrew Van Diemen's Land from the category of convict colonies, there would only remain the small colony of Western Australia, to which, so far as Australia was concerned, any more convicts could be sent. On three important grounds—political, economical, and, above and before all, upon moral grounds—it was the bounden duty of the Government to send no more convicts to any portion of Australia, with the exception of the small colony of Western Australia.

Earl GREY had never meant to say that there was not a strong feeling in Australia against the reception of more convicts, or that it might not be proper, after making due arrangement, to discontinue transportation to those colonies; but, at the same time, he must be permitted to observe that the feeling expressed against transportation to Van Diemen's Land would appear to partake not a little of the character of what Mr. Carlyle, in his expressive language, would call a "sham." One of the first things to which the members of the anti-convict league bound themselves was to employ no more convict labour; but, if he had not been misinformed by private letters he had seen from that colony, amongst the most clamorous for convict servants were to be found gentlemen who had signed this anti-convict paper. He could not, therefore, believe that the feeling was so strong and so earnest in Van Diemen's Land as had been represented, and that the feeling, such as it was, which really existed, he believed to be, in a great degree, the echo of the foolish language that had been used in this country. There were persons in this country who had been in the habit of telling the people of Van Diemen's Land that the reason why emigrants did not go to that island was, that, as a penal colony, it was considered inferior to other colonies. This language had produced a great effect in Van Diemen's Land, though nothing could be more unfounded than the notion that transportation prevented the emigration to a colony of settlers of the higher class. On the contrary, the first settlers of this class that went to New South Wales were attracted by the cheap labour of convicts, and there was no doubt that the same motives would now have led settlers to Van Diemen's Land; indeed, he might mention that he had heard of one case of a capitalist who had intended to emigrate to Van Diemen's Land this year, but who had altered his intention because he was led to believe that, by putting an end to transportation, he could not obtain the labour he had expected. At the same time he did not object to the discontinuance of transportation to Van Diemen's Land, provided it was not effected so precipitately, and with so little preparation, as to compel them to act with injustice towards the unhappy men now under punishment at home, who had a right to expect to be relieved from the severe discipline of the penal establishments where they were now detained. By incurring some additional expenditure, he believed that if a little time were taken for the purpose, means might be found of providing elsewhere for the convicts, who, under the former arrangement, would have been sent to Van Diemen's Land. They might then discontinue transportation to Van Diemen's Land; and he believed the effect that it would have upon the prosperity of the colony would be a most useful lesson to the persons who had taken up this cry without reflection. His complaint against the Government was, that they had not taken time to consider what they were to do, but had ceased to sent out convicts to the colony, which was a practical discontinuance of transportation, and might lead to very serious consequences. The noble Duke had said he was prepared to show that, for political, moral, and economical considerations, it was desirable that transportation to the Australian Colonies should cease. He did not know what the arguments of the noble Duke would be; but this fact still remained unshaken, that those Australian Colonies had been created altogether by transportation, because there was not a free person there whose presence was not to be traced ultimately to the system of transportation. It was by sending convicts that free settlers were first attracted there; and the funds by which the conveyance of emigrants had of late years been conveyed there, had all been derived, directly or indirectly, from the wealth first created by convict labour, and by the expenditure of this country on account of convicts. When the moral effects of transportation were spoken of, it ought also to be borne in mind that it was an undeniable fact that, of the convicts sent to that colony, ninety-nine out of every hundred, or, at least, some large percentage, became so far reformed that in future they supported themselves by honest industry, instead of reverting to crime. On the contrary, in this country the Lord Chief Justice, and other authorities on the subject, all the Judges and police magistrates without exception, concurred in saying that in general the discharged convicts, however apparently reformed they might be, reverted to crime. In Australia the holders of tickets of leave might be dispersed over a vast tract of country, and in that way they were prepared for the complete and entire freedom which they might ultimately attain. It was impossible in this country to place convicts under restrictions that were analogous to those that applied to tickets of leave, because when they turned a man out of prison here he had but one resource; he might go to London next day, and to the old flash houses he was accustomed to frequent, and human nature being what it was he could not resist temptation. He looked upon the course that had been taken by the Government with extreme apprehension as to what the result might be on the peace of the country if men were to be let loose for whose good conduct they could have no security. The noble Earl had told them that there were about 1,000 who were to be turned loose on society almost immediately, and if he was not mistaken, the whole number could not be less than from three to four thousand a year; he could not, therefore, but look with extreme apprehension to what the consequences must be after the lapse of a few years.

EARL GRANVILLE said, that whether it was true or not that the feeling of the Australian colonies against transportation was a "sham," the noble Earl would not deny that Parliament was bound to accept, as the opinion of the colonies, the opinions expressed by the Legislative Assemblies. Every Australian Legislature had agreed in protesting against the continuance of transportation; indeed, to so great a length had the feeling carried them, that two of them, Victoria and South Australia, had lately passed a law that if any convict were found in those colonies who had not fulfilled his term of punishment, he was to be imprisoned until he was sent out of the colony. The Government agreed with the Lord Chief Justice, that although there were reasons to be urged against transportation, yet that when it could be carried out it was of essential advantage to this country, was a most humane punishment to the criminal, and was, besides, beneficial to the colony. But it was not possible to force convicts upon an unwilling colony, and considerable excitement having been created, and a breach of faith having been imputed to the Government, it was wiser at once to put an end to sending them out than to keep up ill-will in the colony by sending a few who might be left upon the hands of the Government at home. He could not help thinking that his noble and learned Friend (Lord Campbell), when he spoke of the impression produced by the sentence of transportation, did not carry his views far enough into the other bearings of the question; and he feared he was thinking more of the present impression on the convict than of the ultimate consequences to the public, when he spoke of the desirableness of sending out convicts to the Falkland Islands and Greenland, because, if the convict, at the end of his term of imprisonment, could find nothing to do, and came back to this country, he might as well be imprisoned here at first.

The EARL of DERBY, after what had fallen from the noble Earl, wished to put a question to the noble Duke opposite, and could hardly have a doubt as to the answer he should receive. The noble Earl had referred to two laws that had been passed by the Legislatures of Victoria and South Australia; and if such laws had been passed, he begged to ask the noble Duke if they had been allowed or disallowed by Her Majesty's Government?

The DUKE of NEWCASTLE begged to say, in reply, that Her Majesty's Government could not approve of measures which contained provisions that were at variance with the Imperial law, and would make null and void the prerogative of the Crown, and that therefore they would be disallowed. The noble Earl (Earl Grey) had said that something like 4,000 or 5,000 persons would be thrown on the country yearly if transportation should cease altogether; but his noble Friend was arguing on an unfounded supposition. The number which, during the last year, had been actually sent to Australia to be absorbed in the free population of that country did not amount to 2,000. The great majority of those on whom sentence of transportation was passed were not sent out of the country; and out of the number sent to Bermuda and Gibraltar, many were returning to this country instead of going to Australia.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, April 28, 1853.

MINUTES.] PUBLIC BILLS.—1° Municipal Corporations Act Amendment; Sales of Bullion. 3° County Elections Polls (Scotland).

THE ECCLESIASTICAL COMMISSIONERS AND THE ESTATES COMMITTEE.

MR. EVELYN DENISON said, he wished to put a question to the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) upon a matter concerning these two bodies, of which he was a member. By the 14 & 15 *Vict.*, c. 104, power was given to independent ecclesiastical bodies to enfranchise property with the consent of the Estates Commissioners; and it was provided in case of enfranchisement, or in case of refusing it, that the schedule notice should be laid upon the table of the House, In the course of the discussion upon the Bill, it was proposed that an order to the same effect should be given with regard to property held in the hands of the Ecclesiastical Commissioners themselves; but it was not pressed for two reasons. It was stated, first, by the Solicitor General of the day, that no doubt the Estates Commissioners, having directions to report upon property in which they had only an indirect interest would certainly report upon property in which they had the entire interest, such as that which had lapsed into their own hands; and, secondly, that the Ecclesiastical Commissioners had already laid upon the table a rule, stating that they would report upon all matters where enfranchisements were granted. That rule had not been recalled or substituted by any later rule. It appeared that upon all questions of property in which they had merely the indirect interest of giving their sanction to enfranchisements by corporate bodies, the Order of the House had been followed, and due notice given in the return; but no notice was given in all cases of property in which they had a large and direct interest. The question, then, he had to put to the right hon. Gentleman was, whether information was given to the House in all cases as to the enfranchisement of property in the hands of the Ecclesiastical Commissioners; and what were the reasons for refusing in cases where they had thought it right to refuse such information?

MR. GOULBURN said, the proceedings of the Ecclesiastical Commissioners were regulated by two separate Acts of Parliament—one applying to them as Ecclesiastical Commissioners, and the other to some of their body as the Estates Commissioners. The law referring to the Ecclesiastical Commissioners required them to state in their Report certain special things, namely, the schemes they submitted from time to time to Her Majesty in Council, and a statement of their accounts in full. This was all the Act required from them; but with regard to the Estates Commissioners the Act required a different course. Their Report would be laid upon the table immediately, in compliance with the directions of the Act; and if the Commissioners had not thought it their duty to take upon themselves the introduction of extraneous matters, he thought the House would excuse them. To adhere implicitly to the Act of Parliament was the only course the Commissioners could take.

MR. EVELYN DENISON said, he would then give notice that he should move for returns connected with the subject.

THE TOBACCO LICENCE DUTIES.

MR. LABOUCHERE: I wish to put a question to my right hon. Friend the Chancellor of the Exchequer, as to a part of the financial scheme of the Government, which has had the effect of creating much dissatisfaction among dealers in tobacco, which I think it is quite possible the answer of my right hon. Friend may remove. The question is this, whether he is prepared to modify in any manner the system of excise regulations which he proposes to apply to this class of tradesmen, which they complain of as an act of injustice, as an increased house tax. If that is the case, I wish to ask my right hon. Friend also whether he will have the goodness to give publicity to the alterations he proposes in time for them to be fairly considered by the trade?

The CHANCELLOR OF THE EXCHEQUER: I am much obliged to my right hon. Friend for enabling me to state in this House what I have already announced to various persons in different parts of the country. I am very sensible that the scale of licences proposed, if it were approved by the House, would operate with great severity, but a severity not intended on the part of the Government; and I readily give a pledge that the scale shall be reconsidered and reprinted, to enable all the parties interested to consider it.

Sir FITZROY KELLY: I beg to ask the right hon. Gentleman whether his reconsideration will extend to the proposed licence for maltsters?

The CHANCELLOR of the EXCHEQUER: The reconsideration of which I have spoken will apply—I do not say equally in all cases—to the entire scale.

THE INCOME AND PROPERTY TAX.

Mr. VANSITTART said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer whether he was prepared to allow the same deductions for insurance and repairs in house property in the valuation of income tax as are allowed in the case of poor-rate; also, whether he intended to assess the profits of the occupiers of land in Scotland at the same rate as those in England?

The CHANCELLOR of the EXCHEQUER said, it was not intended on the part of the Government, to assimilate the assessment of house property for the purpose of the income tax to the assessment for the purpose of the poor-rate; and it was intended to assess the profits of the occupiers of land in Scotland at the same proportionate rate as they had been heretofore assessed.

Mr. VANSITTART complained that the right hon. Gentleman had not answered his question.

The CHANCELLOR of the EXCHEQUER said, he supposed the hon. Gentleman to refer to the assessment of land in Scotland and England. He would, therefore, say it was intended to continue the rate of assessment with regard to the occupation of land in Scotland and in England which had been enacted heretofore.

DUTY ON SUCCESSIONS.

Mr. BRIGHT asked whether property in the possession of corporate bodies was to be subject to the duty on successions?

The CHANCELLOR of the EXCHEQUER said, the hon. Gentleman would see that his Resolution in Committee of Ways and Means referred simply to certain duties to be granted to Her Majesty on successions to property in consequence of the death of any person, and that the terms, therefore, did not apply to corporate property. It would, however, be for the Government to submit to the House a proposal with regard to corporate property; but as regarded the details of that measure, he anticipated that the hon. Gentleman would not press for them now.

Mr. BRIGHT said, he was perfectly satisfied with that answer, as it promised due consideration of the subject; and would proceed to repeat a recent question as to the wages of manufacturing operatives, namely, whether there would be included in the aggregate subject to income tax, the wages of the wife and family, as well as of the husband and father?

The CHANCELLOR of the EXCHEQUER said, he was quite aware that there must be considerable anxiety on these subjects; but hoped that any answer he might make previously to the introduction of his Bill—which, of course, would be the final and authoritative exposition of the Government views—would be received with a certain indulgence. With regard to the question whether the earnings of an entire family would be added together, and so subjected to income tax, he replied that as man and wife were one in law, that principle would be considered to hold with regard to the income tax; but it was not the intention of the Government to propose that the earnings of the children should constitute any part of the sum taxed.

FINANCIAL STATEMENT—THE BUDGET.

House in Committee of Ways and Means; Mr. Bouverie in the Chair.

Question again proposed, "That the words proposed to be left out stand part of the proposed Resolution."

Debate *resumed.*

Mr. COBDEN: Sir, I think I observed, in the remarks with which the right hon. Gentleman the Chancellor of the Exchequer opened the subject in his very remarkable—I may say very marvellous—speech, that he spoke with some degree of emotion, and I thought even pathos, as to the way in which this House had been spending the anticipated surplus of the revenue. I thought it came from him in a tone that seemed rather to invite the attention of this House to that part of his financial statement; and I really do not know that I have any other motive for intruding myself thus early, except that, at this moment, when taking a full view of our assets and liabilities, we present ourselves before the public very much as their trustees, and we are bound to look at what has been done, as well as what may be done, for those who have confided their interests to our care, and it therefore strikes me as being a very proper time to give our attention, among other matters, to the way in which that amount of surplus has been disposed of. I promise the House that I am not going to make a peace oration. I do not blame this Government, or the last, for what they did in the way of expenditure, but I blame many parties out of the House for having rendered it almost necessary that such an expenditure should have been incurred; nay, I will even go farther, and cordially thank the noble Lord at the head of the present Government that he did not take the opportunity many silly people, and some not over-honest people, gave him of increasing enormously the expenditure of the country. I have no hesitation in saying—in admitting—that if his Lordship at the end of last Session had proposed an addition of 20,000 men to the Army, and of 10,000 men to the Navy, the proposal would have been received with acclamation; and we poor Peace people, if we had escaped martyrdom, should hardly have escaped being pumped upon, if we had ventured to raise a murmur of objection. Now, is it not a matter of sincere regret, almost of reproach, that we have permitted ourselves to be led away so as to incur this great and permanent increase to our establishment? How, then, do we stand? I merely speak of our military and naval expenditure, and will not go back now to 1835. I only go two years back—to 1851. Since 1851 we have added to the expenditure for our naval and military establishments, including militia, commissariat, and other outgoings of the same nature, no less a sum than 1,875,000*l.* This expenditure, 15,555,000*l.* in 1851, was 16,431,000*l.* in 1852, and 17,400,000*l.* for 1853. Now what I want to call the attention of the House to—and particularly of the hon. Member for North Warwickshire (Mr. Newdegate), who said the Manchester school were going to ruin the aristocracy—is this, that if you had made no such increase since 1851 you would have had a surplus large enough now to cover all these remissions of taxes contemplated this year without the necessity of one farthing additional taxation.

If you had had this amount of money left in your coffers, instead of having it wasted as you have, it would have been now in hand to provide for the remissions and changes which come into operation under the present proposals; and therefore the hon. Gentleman who says this is to ruin the aristocracy must not charge the Manchester school with the responsibility of that expenditure, for whatever blame other parties may incur, I take none in the matter. Let it not be said that I come here to tell you to spend nothing for your armaments. Nobody who is honest can say that. Many years ago I, in this House, proposed myself that a sum of 10,000,000*l.* should be applied for our armaments. What I now complain of is, the progressive increase from 15,555,000*l.*, the expenditure in 1851, to 17,400,000*l.*, the expenditure in 1853. Had this enormous sum not been thus expended, the Chancellor of the Exchequer might have had it now at his disposal, and might have effected with it those remissions which he proposes to make. Would not this have been a very enviable position for the Chancellor of the Exchequer, and was it not natural that the right hon. Gentleman should speak in pathetic terms of the House having voted away the surplus income? The most lamentable part of the matter is this, that although there was a very great panic about the French invasion a few months ago, yet now there is not a rational being who will say that he is under any apprehension of an invasion. Not only do I find nobody who believes there will be a French invasion, but I cannot find anybody who will admit that he ever had any fears on the subject. But the mischief has been done, the addition has been made to our establishments; and the public, who is the party to blame in the matter, will find, that having made this addition of 1,500,000*l.* or 1,800,000*l.* to our establishment, you cannot easily bring them back again. None but those who, like my hon. Friend the Member for Montrose (Mr. Hume), having been engaged in the work of retrenchment, know how difficult it is to reduce expenditure when once you have increased it. You cannot reduce it in a day. You have probably laid out your money in the construction of works, which you must keep up by an annual charge; and I have no hesitation in saying that this generation will not live to see the whole expense die out which has been caused by the additions made to our establishments within the last two years. Now just to show how we find ourselves obstructed in our efforts at fiscal reform by these establishments, I will turn to other items in the Budgets since 1851, and state all that comes under the head of civil expenditure, including the debt and every thing else except military and naval expenditure, and you will then see how little has been the increase. In 1851 the expense other than military and naval was 34,692,000*l.*; in 1852, the amount was 34,732,000*l.*; in 1853, it was 34,783,000*l.* so that the whole increase of our expenditure, except that occasioned by our military and naval departments, has been only about 80,000*l.* on an amount of nearly 35,000,000*l.*; whilst the increase for the Army and Navy, on an expenditure of 15,000,000*l.* has been 1,875,000. Now I think it will not be said by any one that this is an indifferent view of the question —that you must grapple with the expense of our naval and military establishments if you would enable the Minister to effect such modifications in the tariff as are inevitable, without constantly seeking for an increase of direct taxation. I trust the Committee will acknowledge that these remissions of taxation are inevitable. You may arrive at them by savings, by the growth of your surplus revenue, by retrenchment, by increased revenue, the product of the increasing prosperity of the country; but assuredly, if you eat up the surplus by constant additions to our military establishments, you must perforce have a fund necessary for this remission of taxation by increased direct burdens upon property and income. And I care not whoever may be in power, whether the present Chancellor of the Exchequer or the late Chancellor of the Exchequer may have the handling of the figures, they will be inevitably driven to a policy which shall aim at reductions in the Excise and Customs duties, even at the expense of direct taxation. The right hon. Gentleman opposite (Mr. Disraeli), for example, proposed a partial remission of the malt tax, thus dealing with indirect taxation, and proposed to put on an increased house tax, which is a direct tax. The present Chancellor of the Exchequer proposes to lay a legacy tax on real estate, with the view of effecting large remissions of indirect taxation. The late Government fell solely in their attempt to find a substitute for the deficiency to be created by the remission of the malt tax, and they might have been in power now but for that insuperable obstacle. If the present Chancellor of the Exchequer is in danger at this moment, it is only on account of the difficulty of finding a direct tax which will enable him to make the necessary remissions. I wish Gentlemen on both sides of the House to consider that we are now come to a time when, if you will be extravagant, you must be extravagant at the expense of property and not at the expense of consumption. The remission of indirect taxation must go on. It is not merely the interest of humanity —but that has something to do with it— but you cannot, in these days, when every one at least professes to have an interest and regard for the poor, levy a larger amount than is levied in other countries upon articles which are consumed by the great majority of the population. And there is another reason why you must diminish the amount of taxation, and that is because you find that the peace and prosperity of the country depend upon the constantly increasing employment of the masses of the people, and you cannot secure that employment except by rapidly removing the impediments which stand in the way of industry, and that will grow greater in proportion as our commerce and our population increase. Take, for instance, the case of the Customs regulations. A great and I think a just alarm has been felt by our merchants on account of the obstacles presented to commerce by the Customs regulations. Those regulations were bad enough when you had to deal with only 30,000,000*l.* or 40,000,000*l.* of exports and imports, but they are grievous and insupportable in dealing with an import of 70,000,000*l.* or 80,000,000*l.* But that is not all. The velocity of transactions of all kinds has increased—steam vessels are taking the place of sailing vessels, and a voyage to America, which formerly occupied from thirty to forty days, is now performed in ten or twelve. If you are economising time on the voyage, will not the grievance be greater than ever if our merchants are subjected to the same delays and impediments at the Custom House as those to which they were heretofore subjected. These barriers must ultimately give away. But how? You cannot alter your tariff so as to allow free goods to come in without rigid examination, unless by a total revolution in your fiscal system, so far as regards import duties. You cannot allow bales of cotton to be landed in Liverpool without thrusting a wire through them in order to ascertain that they are not converted into bales of tobacco. If you retain a duty of 3*s.* a pound on tobacco, and allow bales to come in without search, they will soon be converted into packages of tobacco. But you could not effect any change in that respect except by reducing the duty on tobacco to 3*d.* or 6*d.* per pound. You must reduce it to that extent, or you will fail altogether. I hope there would not be such an increase of smoking as to enable the Chancellor of the Exchequer to obtain as large a revenue at 3*d.* per pound as he does at 3*s.* That would be a losss of some 2,000,000*l.* or 3,000,000*l.* annually at the least. And how would that have to be made up? Why, by direct taxation. And that is the case with respect to other articles. You must make up your minds that you will have to make constant remissions. As was stated last year by the right hon. Member for Buckinghamshire (Mr. Disraeli) every year since 1842 had witnessed the constant remission of these indirect taxes. The right hon. Gentleman did not propose anything of that sort himself; but there was a self-acting process in the sugar duties which was effecting that change even last year. The reduction of indirect taxation must go on, and the question is, how are the means to be raised to carry that object into effect. I come now to the practical question before us. There is virtually a deficiency; because I look on the remission of taxation as inevitable. Although the right hon. Gentleman the Chancellor of the Exchequer has a surplus of 500,000*l.* or 600,000*l.*, he was obliged to lay on fresh taxes in order to meet the inevitable demand for remission. Then how are we to meet that which is a deficit? The right hon. Gentleman has proposed the continuance of the income and property tax. He has proposed it, with arguments very elaborate, very able, and I might say, very subtle. But to my mind, that part of the speech of the right hon. Gentleman in which he dealt with the income tax was the least satisfactory. It was the most declamatory, and appeared to me, as all such appeals do, to be the least conclusive. He began by alluding to Mr. Pitt, and stated that this tax having served our purposes during the war, ought not to be used in a time of peace. But surely it is now time to have done with such an argument as this? Is there not this answer to it, that other taxes also did their work during the war? The Customs and Excise duties did their work during the war, and it would be just as reasonable to say that we ought to put the "giant" Customs by, and allow him to repose until another war breaks out; but no one proposes such a measure as that. And why not? Is there anything intrinsically worse in the income tax than in the taxes on tea and on wine? In what way is it worse? Does it give rise to greater oppression in its incidence? See how large a portion of the income of a poor man with a family is spent on the half ounces of tea that he is under the necessity of purchasing. What is paid for the duty on that tea? The same duty is paid on his tea, which you can purchase in the bonded warehouse at 10½*d.* per lb., as on the finest flavoured pekoe or gunpowder which costs 5*s.* or 6*s.*; can you show anything in the income tax more unequal in its operation than that? Take, again, the case of the wine duties. The gentleman's bottle of Lafitte, which might cost him 5*s.* in the cellar of the grower, paid precisely the same duty as *Vin ordinaire*, which might be bought by a poor man in the south of France for twopence. Is there anything more unequal or unjust in the income tax than that? I might go through the whole list of taxes, and although you would not find the same inequalities in all cases, yet let it be borne in mind that when you levy a tax on consumable articles of everyday comfort, you may be sure the mass of the people pay a far larger sum in proportion to their incomes than is paid by the rich. Where, then, are you to make exceptions for the income tax as compared with the other great taxes which served Mr. Pitt so usefully during the war? Is it that it offends more against the laws of political economy in taking a greater portion from the pockets of the people, than arrives at its destination in the Exchequer? No. I maintain that you may always collect direct taxes cheaper than indirect taxes. Does it offend against the laws of political economy, that it obstructs commerce, that it impedes industry more than an indirect tax? On the contrary, however oppressive it may be, I never heard it said that the income tax interferes with the progress of industry, or impedes commerce in any way whatever. Well, then, is it demoralising—does it produce greater evil by demoralising our traders? The right hon. Gentleman the Chancellor of the Exchequer has said a great deal about self-assessment. But I would ask him does not the levying of the Excise duties produce more demoralisation than any direct tax? Take, for instance, the case of the tobacco trade. I remember being in the Chamber of Commerce in Manchester

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when a deputation from the dealers in tobacco and snuff waited on us in order to expose the adulteration carried on in their trade, and to induce the Chamber of Commerce to interfere for the purpose of effecting an alteration of the duties. The gentlemen who were the largest dealers and manufacturers said to us most frankly, after exposing all the different articles with which tobacco was coloured and adulterated, such as the beard from malt, peat moss, and things of that kind, "There is not a man in this neighbourhood who carries on the tobacco and snuff trade without illegal adulteration except Mr. Read"—a gentleman who was then present, but who has since left the trade, and who, although not less than forty years of age, went to Cambridge, and is now in holy orders. Now, can you find anything worse in the income tax than in the case I have pointed out? I would remark also on the amount of criminality arising out of these taxes. Let any man go into any one of our maritime counties—let him inquire of the chairman of quarter-sessions—let him go to the gaol at Winchester, or the gaol in any of the counties on the south coast, and inquire the number of commitments for smuggling, and how many children have been left destitute by their parents being obliged to quit the country on account of smuggling; and then let him say whether there is anything more demoralising in the income tax assessment than in the system of Customs duties. The right hon. Gentleman alluded to the system of self-assessment as offering temptations to fraud, which are in many cases irresistible. Now, I would suggest whether that evil might not be remedied. I do not see why any man should be called upon to assess himself at all. In America, where direct taxation is levied to a considerable extent, nobody is required to make an assessment for himself. The taxpayers elect assessors, experienced, able, discreet men, of the town and neighbourhood, who assess the value of the various properties. No complaint is made against the system. Why should you not adopt that system in England? Why, for instance, in Manchester should not the taxpayers elect local assessors, and why should not they be authorised to assess the incomes of their neighbours? Then, having made that assessment, if a party choose to take an oath that he is surcharged, or will produce his books, there will be the same means of redress as in America. And there would be this advantage, that you would not expose a man to the temptation of committing a fraud, by stating his profits or his property below the actual amount. There is another thing also to be considered. Many persons would have less aversion to their assessments being made known by others—that is to say, there is less aversion to the exposure of property when it is only known to be the assessment of others, than when it is known to be their own valuation. When I was in Boston I had the assessment book in my hand, and I found that it contained a printed list of the assessment of everybody in Boston—Mr. Abbot Lawrence, for example, as figuring away with 700,000 or 800,000 dollars of personal, and a similar amount of real property. I did not find that there was any feeling of opposition to such a system; and after two or three years of such assessment you get a better notion of a man's income than you frequently do from his own return. People look at the changes going on in his establishment—they see the evidence of his prosperity, or the reverse, and as a rule will generally estimate at pretty nearly its true amount the value of their neighbour's property. I trust the Chancellor of the Exchequer will take this point into consideration, for I certainly think it deserves his attention, and I trust that it will not be overlooked by the public at large. The right hon. Gentleman has stated that he cannot agree to any modification of the income tax. Now, there was one fallacy, I think, running through the whole of his argument on that subject, which I should have thought could have hardly escaped so acute a logician. It all amounted to this: "If you show me that you can at all diminish the evil, I'll show you there are evils still left behind; and, therefore, I will not allow you to touch the tax." I see nothing in the argument of the right hon. Gentleman which is not to be reduced to that. Now, can any one doubt that if you put trade and professions at $5\frac{1}{4}d.$, and real property at $7d.$, you would not, to some extent, diminish the injustice which, I understand, he himself admits. It is true you might deal with terminable annuities afterwards; it is true when you come to deal with terminable annuities and life interests, the actuaries would bring before you an arithmetical puzzle which would not work in practice, however beautiful it might look on paper. But the right hon. Gentleman has not told us that we might not do some good by mitigating, at least, the evil which he admits to exist. I have no hesitation in admitting, as the result of my experience in the Committee, that there are greater difficulties in the question than I expected to find. Ten years ago, I expressed myself with great vehemence and confidence as to the practicability of getting all we wanted; but I have not found myself confirmed in my views; and, I believe, my hon. Friend the Member for Stoke-upon-Trent (Mr. J. L. Ricardo), also found himself rather disappointed at the issue of the Committee's inquiries. But, after all, I do not think the Chancellor of the Exchequer has shown good grounds for doing nothing. If you are not to do anything until you arrive at perfection, you will, I fear, put an end to all sublunary affairs. Perhaps the course which I am about to take on the present occasion, may, like that of other hon. Members, require some explanation. In the year 1842, I resisted the attempt of Sir Robert Peel to impose an income tax on the country. I said, "You are maintaining a monopoly in corn—you refuse to deal with the sugar duties—you are destroying the revenue, and want me to consent to an income tax." If placed in the same situation to-morrow, I would again pursue the same course. In the year 1848, on the Motion of Mr. Horsman, I voted for a modification of the tax. But I voted against the Motion of the hon. Member for Montrose (Mr. Hume), to limit the tax to one year, and on these grounds: "You unite with Gentlemen who do not wish to modify the tax, but to abolish it, when I wish to preserve it, and not to lose it." My hon. Friend carried his measure, and I cannot see that any harm has come out of the Committee; and I think the course taken by the right hon. Gentleman opposite (Mr. Disraeli) and his Colleagues showed that he had a sincere and *bonâ fide* intention of dealing with the question. No one can say that in 1851 they were not actuated by the best possible motives, seeing that in 1852 they attempted to carry out their plans. Having taken that course with regard to the income tax in times past, I have it presented again without modification, and by a Government which I believe will stand or fall by their declaration that they will not agree to any modification. At the same time I have presented to me another portion of the Budget, which I believe not only goes far to redress the inequalities which existed in the old income tax, but which I consider a bold and honest proposal; and, whatever be the fate of this Budget, the right hon. Gentleman (the Chancellor of the Exchequer) and his Colleagues have earned for themselves, I think, great honour for their straightforward and resolute conduct in grappling with a question which defeated Mr. Pitt in the plenitude of his power, and with which no one has ever since dared to meddle—I mean the legacy duty. I believe the right hon. Gentleman opposite (Mr. Disraeli) was disposed to recommend that the question should be dealt with. I am sure it will have to be dealt with by somebody; and I must say, that, looking at the income tax, coupled with the legacy duty—taking them together, viewing them as the keystone of the arch of this Budget—I take them both, and I take them with both hands. I feel as strongly as any man in this House the case of professional men; but I have not found in the north of England any very active opposition to the equal rate of duty upon all classes. I believe there is a stronger feeling of resistance against the inquisitorial character of the tax amongst mercantile men and trading capitalists, than against its inequality or its unjust assessment. I am only speaking of Lancashire and Yorkshire, with which I am directly connected—and I do not wish it to be thought that there is not amongst traders and professional men elsewhere a strong feeling relative to the tax. In Lancashire and Yorkshire there is an impression in the minds of the manufacturing population that the surplus gained by the income tax tends to the extension of commerce and the freeing of industry, and affords them consequently some kind of compensation in that respect. They believe it to be such a benefit to commerce that they submit to the income tax without murmuring, partly from feeling that it is inevitable, and partly from a belief that they are benefited in their commercial operations. It will not, I think, benefit the professional man or the small trader in rural districts; but the legacy duty upon real property—although I should wish to view that question *per se*, and not as a compensation, though we are made up of checks and compensations in this country—will be some compensation to the professional and trading community, and will somewhat tend to reconcile them to the tax in its present form. I think the right hon. Gentleman has acted quite wisely in including incomes of 100*l*. As an advocate of direct taxation, I would, as an abstract principle, levy it upon everybody where the tax could be collected with a profit. I am assuming that no other tax existed. But when you have laid so much taxation on the working people in an indirect way—when they pay more than the upper classes in proportion to their means—you are under this necessity, you must endeavour to compensate them by levying a direct tax upon the property of those who are richer and above them in station, and who do not pay as much in proportion in indirect taxes as they ought to pay. I do not propose that the income tax should be levied on all wages; and I think the right hon. Gentleman has acted wisely in drawing the line at 100*l.* I have said previously that the working people pay a large amount of indirect taxation. We sometimes hear that a large amount of Customs and Excise duties have been remitted, and it is supposed that by reducing them you have diminished the pressure of these taxes on the working people. But a great fallacy lurked under that, for in point of fact you have done nothing. You have only been cleverly and ingeniously shifting the burden ever since the time of Mr. Huskisson. You have tried it in a variety of ways so as to make it gall the least, but the burden still remains. I will give you an illustration of this. The amount of Customs and Excise duties paid in 1831 was 35,680,000*l.* The estimate for the coming year is 35,320,000*l.* so that there is only 360,000*l.* less paid now in indirect taxes than in the year 1831, although during that time you have reduced your Customs and Excise duties some 12,000,000*l*, or 15,000,000*l.* per annum. There has, of course, been an increase in the population, but nearly the same amount is now paid as was paid in 1831, notwithstanding the great remissions which have taken place. I now come to deal with the question of the application of the income tax to Ireland, and that seems to be the great difficulty of the Government on the present occasion. The Irish Members on the other side of the House will not, I hope, suppose that I am anxious to impose upon them any unjust burdens. I am the advocate of religious and fiscal equality to the greatest extent. So far as regards religious equality, whatever odium I may incur by the declaration, I will say that nothing could induce me to place a fetter on the consciences of the Roman Catholics. If I could make you so, you should be as free in the practice and observance of your faith as if you were across the Atlantic. I would do the same with regard to fiscal questions. There must be perfect equality between the two countries, and every tax paid by this country must be paid by Ireland. I do not want to lay heavy burdens on either the English or the Irish people. If I had my will they should both pay less taxes; but you can have no safety for the proper working of the Legislature if you have amongst you Members for one part of the Kingdom which pays less taxes than the other parts of the Kingdom. I have noticed the working of this system for a long time, and I will tell hon. Gentlemen from Ireland one of the symptoms which I have observed arising from that discrepancy of taxation. I have seen Gentlemen take very little interest in the Imperial expenditure, unless on some question involving the transfer of the taxes paid in England to some locality in Ireland; and hence you fight for that bauble of your Lord Lieutenancy, and hence you fight for your Kilmainham Hospital, although it is a mere nest of jobbery. ["Oh, oh!"] Hon. Gentlemen will allow me to say, that I have had the opportunity of inquiring into that subject, and, as a Member of the Committee, I speak from a knowledge of the circumstances of the case. Now, what is the reason that no statesman has even thought of proposing that our Colonies should unite with the mother country in one common Legislature? What renders it impossible? Not space. No, it is because the Colonies, not paying our Imperial taxation, and not being liable for our debt, could not sit here, with safety to us, or with propriety to themselves, to legislate on matters of taxation in which they are not themselves concerned. What happened on the last occasion on which I addressed myself to the subject of the Budget? I followed the hon. Member for Belfast (Mr. Davison), who rose to support the proposition for doubling the house tax, and laying the income tax on my constituents in Barnsley and Leeds. The people of those towns are largely engaged in the manufacture of linens. Belfast, also, is engaged in the same trade. The hon. Member who represents that town voted for taxing my constituents at Barnsley and Leeds. And I want to know how is he going to vote now? If he votes now against the extension of the income tax to his own constituents at Belfast, then I want no other proof. There it is complete. It would never do to allow men to sit in the same House of Representatives representing different interests, because they could help a Minister to impose a tax upon their neighbours on condition that he should not impose it on themselves. How would the case be if we allowed representatives from our Colonies to sit in this House? An ambitious and unscrupulous Minister could make use of these men, supposing they had not the virtues which ordinary men possess, for the purpose of oppressing the English people. He might say to them, "Help me in this extremity, and I will help you to prevent the English people putting a tax upon the Colonies." The consequence might be that you would have an irresponsible Government, a constant succession of *coups d'état*, until the people of this country would rise and demand a separation from the Colonies. Now, on the present occasion our Government, true to the invariable system in this country of compromises, have proposed to grant to the hon. Gentlemen opposite—that is, to Ireland—a very large boon indeed, if they will only accept their quota of the income tax. If I could whisper to them, knowing what I do of the temper out of doors with regard to the equalisation of taxation, I would say to them, Close with the bargain at once—take the income tax—get rid of the consolidated annuities. Why, if I understand it right, the proposal that is made is to give to the Irish almost as much as they have been asked to pay. [Mr. FAGAN: No!] My hon. Friend behind me surely does not expect that Ireland is going to pay us between 4,000,000*l.* and 5,000,000*l.*, even with the income tax extended to that country. I say you are going to get almost an equivalent for the income tax. But look at the charge that is to be remitted, and see how it puts you out of court as advocates of the poor in Ireland. As I understand the principle upon which the consolidated annuities tax is levied, it is paid by the very poorest class of farmers in Ireland. Is it so? [*Cries of* "No, no!"] I believe the fact is as I have stated it. [An Hon. MEMBER: Only half of the tax is paid by tenants.] Of course, one-half is paid by the landlord, and the other half by the tenant. [An Hon. MEMBER: Tenants under 5*l.* do not pay any portion of the tax.] Just so. That only shows into what small portions the land is divided in Ireland. It is almost inconceivable to the English agriculturists that you should have rentals under 5*l.*; but that is just the class that is going to be benefited and relieved, because the proposal of the Government is to abolish a tax of which one-half is paid by the poorer tenantry down to rentals of 5*l.*, and to extend to Ireland, instead, a property and income tax upon all persons with incomes of 100*l.* a year and upwards. Now, how many farmers are there in Ireland at the present moment who pay a rental of about 200*l.* a year? Perhaps I should explain to the hon. Gentlemen opposite that it is only the farmer who pays 200*l.* a year of rental that will be required to pay income tax upon an income of 100*l.* per annum. I ask you, therefore, how many farmers are there in Ireland who pay 200*l.* a year for their land? Surely you will suffer the income tax to be imposed upon the rich, in order that you may relieve the multitude of small tenants down to 5*l.* rentals. Why, it is the most beneficent boon that has ever been offered to the class whose interests you have always professed to support. Take the case of an income of 100*l.* a year. He is a very genteel person in Ireland who has an income of 100*l.* You can live much cheaper in Ireland than we can do in England. You have no assessed taxes, and your provisions are cheaper. An income of 100*l.* a year, therefore, is quite as well able to pay income tax in Ireland as in England. Indeed, I am disposed to say, considering that the standard of living is higher here, and the cost of living rather more, that 100*l.* a year is a larger income in Ireland than it is in England. But take the case of your large merchants—some of whom are now competing with our English merchants and shipowners. I could name large capitalists sitting in their counting-houses in Dublin, who have ships sailing from Liverpool and other ports in this country, and I ask, is it fair that the vessels of rich Dublin merchants, who pay no income tax, should come in rivalry with ships belonging to the merchants of Lancashire who have to pay income tax? Is that common sense, or is it not? I hear a great deal said about the amount that England is indebted to Ireland, and Ireland to England. The hon. Member for South Lancashire (Mr. W. Brown), who ought to be accepted as a good authority by hon. Gentlemen opposite, inasmuch as he is an Irishman like themselves, makes it out that you are in our debt to the amount of 300,000,000*l.* Then the hon. Member for Glasgow (Mr. John Macgregor), who, to judge by his name, must have Celtic blood in his veins, puts down your indebtedness at the sum of 160,000,000*l.*

I believe the late Mr. O'Connell turned the figures the other way, and the result he brought out was that we were indebted to you in the sum of 60,000,000*l.* My advice is, "Let the Statute of Limitations be applied to both sides. Let Irish Members make up their minds to pay the same taxes as the people of England, and unite with us in advocating retrenchment and economy." When I say "us," I refer to that section of the House who are generally understood to advocate economy in the management of the national affairs, who always vote with you whenever you want freedom, who are the constant and energetic supporters of the principles of civil and religious liberty, and who sympathise with you in your demands for equal rights and equal justice to Ireland. Unite with us, then, not only upon fiscal questions, but upon all other questions that affect the happiness and wellbeing of the people. Accept the income tax; for be assured that public opinion will not much longer tolerate any inequality in our taxation; and after you have done this there will be nothing left exclusively to the people of England but the assessed taxes. I hope the Chancellor of the Exchequer will do justice in that matter also, not by putting the assessed taxes upon you, but by abolishing the whole system, and adding instead a fraction to the property and income tax. I trust the hon. Gentlemen opposite will reconsider the subject. The thing is inevitable. I tell you candidly and frankly that there may be a dissolution upon this question of the equalisation of taxation. I have no doubt that the hon. Gentlemen who represent Irish constituencies will not like to vote for the extension of a tax to Ireland from which she has hitherto been exempt; but I say this most emphatically, the thing will be done whether you agree to it or not. There is another point to which I wish to refer for a few moments. It is with regard to licences. I believe the right hon. Gentleman has said that this subject is still under the consideration of the Government. Now, of course, in the case of a Budget, if we express our adhesion to its main principles, we do not expect to be treated like the members of an assembly in another country, which shall be nameless, where a Budget is presented, turned upside down, looked at in various ways, but must on no account be altered. I have no doubt the right hon. Chancellor of the Exchequer will be obliged to us for any criticisms we may offer on the details of his financial scheme. With regard to licences, I think he has erred in the matter of principle. I cannot understand upon what principle the right hon. Gentleman proposes to lay a tax upon all traders who deal in tea and tobacco. I can understand why the Excise should require that a dealer who sells tea or tobacco, or any other article over which surveillance is thought necessary, should register himself, and why there should be a nominal fee; but why a trader who deals in articles which already pay large taxes to the Government should be required to pay an *ad valorem* duty for carrying on his business, while other traders are not taxed in the same way, I confess I am altogether at a loss to conceive. If I found that the dealers in tea and tobacco were exempt from some other tax which was paid by the rest of the people—as, for instance, in the case of the legacy duty, which is at present a burden upon personal property only—then I could understand why this proposed impost should be levied upon them; but I confess I have yet heard no reason why a class of tradesmen, who already pay heavy taxes upon the articles in which they deal, should be called upon to pay a tax not levied upon the other classes of the community, and I do earnestly hope that the right hon. Gentleman will alter this point of his financial scheme. There is one other point upon which I wish to say a few words—I mean the proposed mode of dealing with the advertisement and stamp duties. Considering the comparatively small sum which these duties produce, I do earnestly hope the Chancellor of the Exchequer will not make two bites of a cherry. I want to see the connexion between the press and the Government discontinued. [*Laughter.*] Well, I know the meaning of that laugh—I know what it refers to—it is an allusion to a subject which has been much talked about. It has been said that the right hon. Gentleman the Chancellor of the Exchequer, in proposing to remit the stamp upon supplements containing advertisements only, would give a boon only to one paper; and various remarks of a very free nature have, of course, been made as to the motives of the right hon. Gentleman in giving this boon to one particular paper. Now, I do not believe the right hon. Gentleman is capable of acting in the unworthy manner which some would have us imagine. I believe the right hon. Gentleman has with all parties, both in and out of this House, too much credit for the character of sincerity and truthfulness to be supposed capable of being a party to any transaction of the kind. But the suspicion to which I allude, how does it arise? Because the Government is enabled to deal with taxes which may be made to favour one particular newspaper. So it is with the advertisement duty. The duty is to be reduced to sixpence; but that sixpence is still keeping up the connexion between the Government and the newspaper press. A certain number of newspapers will want the sixpence off, and others will want it continued, and the result will, or at least may, be that the Government will weigh and balance the rival influences, and shape their public course accordingly. Now, I repeat that the Government should have no connexion whatever with the newspaper press. Let us, therefore, adhere to the Resolutions of this House, and if we deal with the advertisement duty at all, let us abolish it altogether. In the same way, if the right hon. Gentleman is resolved to deal with the stamp duty, he should not do so merely to favour one particular paper for the present, and not more than three or four prospectively—perhaps not more than one. If the right hon. Gentleman should be advised by some of the largest provincial papers to alter his plan so as to leave the present penny stamp upon newspapers, allowing supplements to go free, whether they contain news or advertisements, or both, he will then be falling into an error similar in character, though not so great in degree, as he has now fallen into with regard to one particular journal. There is only one newspaper at present in the practice of publishing supplements containing advertisements. If you allow supplements containing advertisements and news to be published without a stamp, there will be at the outside—I speak of the state of things at the present moment—about half a score of newspapers in the Kingdom which will be in a position to profit by the remission. They alone will benefit by it, and the result will be directly opposed to the principle which the Chancellor of the Exchequer has laid down in his mode of dealing with trade licences, where he has proposed a graduated tax, according to the extent of business carried on. Now, what will be the effect of the plan to which I have just referred with regard to newspapers? The right hon. Gentleman proposes to allow a newspaper twice the size of the *Times* to be printed for a penny stamp; but he still intends to charge a penny for every small struggling sheet which may be published, though it may not be half the size of one of the sides of the *Times*. Now, mark the effect of this. The small paper having to pay a penny stamp will be placed under an immense disadvantage, and be perfectly unable to compete with the large one, because the conditions will be unequal. I have seen in my own experience in Lancashire that whenever a newspaper, no matter what its politics might be, could publish a supplement regularly, and give it to its readers gratuitously, so great was the desire on the part of the readers to have a large mass of additional news—a large surface of paper—that it became immediately necessary for all the other newspapers in the place to publish supplements also, or else consent to be trampled out of existence. That will be the case of every newspaper of ordinary size and circulation if the Chancellor of the Exchequer adheres to his determination to charge a uniform rate of one penny upon all newspapers, large or small, and at the same time abolishes the stamps upon supplements of every description—a proposal which will be the most destructive thing for the interests of all second and third class newspapers that can possibly be passed in this country. I beg to tell the right hon. Gentlemen opposite that the newspapers in their interest are not the largest, the wealthiest, or the best circulated in England. But let us put the Chancellor of the Exchequer to the test of his own principles. He says, if a man keeps a vehicle with two wheels he shall pay a tax of 15*s.*; but if he keeps a carriage with four wheels he shall pay double. Why does the right hon. Gentleman refuse to apply that principle in the case of newspapers? Why does he allow a person who keeps a four in hand to get off with paying the same duty as a man with a gig? When the right hon. Gentleman is dealing with the licensing duty, he proposes an *ad valorem* tax on the rent of a man's shop. If a shopkeeper has such a prosperous business that his shop overflows with customers, and he finds it necessary to open another establishment, will the Chancellor of the Exchequer take no heed of this supplement shop, or put no new tax upon it? Why, the right hon. Gentleman will not bear the test of his own principles. Really, he must deal with this question of stamps as with advertisements—either have no stamp at all, or allow a charge to be made for all papers going through the Post Office, graduated according to their weight and size, permitting those which do not go through the Post Office, but are circulated only in their respective localities, to be published free of all duty whatever. With respect to the rest of the Budget, I will not detain the House with many observations; but I must be allowed to refer shortly to the question of the duty on soap. I am glad that this question has been dealt with at last. It has been a standing reproach to us for years. It has marked as hypocrisy all our pretences upon the subject of clean linen. I have sat in meetings of sanitary committees for the establishment of baths and washhouses, and have thought of the soap duty until I was ashamed of my country. So with the paper duties. While we talk of education, and tax the very material by which knowledge is diffused, we shall be justly accused of hypocrisy. But, that question apart, I do hope that the Budget in its main propositions may pass this House. I believe, so far as I have an opportunity of judging, that it is generally accepted by the country. I believe the proposed legacy tax removes the sore which has been festering in the minds of the people of this country for a long time, and in the interest of the parties concerned I should say the sooner the tax is put on the better. I would say, both to the landed Gentlemen and the Irish Members, "Equalise your burdens, and it will be the better for you in the end." I do not think there will be much resistance to it. I am told that in the other House it is looked upon with the greatest equanimity. There they are in possession; but in the House of Commons many hon. Members are only expectants. There is no opposition to it in the other House. I was breakfasting the other day with a gentleman of the diplomatic corps, and, while conversing upon this subject in French, he said it was very easy to explain why the House of Lords was in favour of the tax, and why the House of Commons was against it. The reason is, said he, that the one House is the *Chambre des Pairs* (*pères*), and the other the *Chambre des Fils*. Some hon. Gentlemen have asked if the income tax will be put an end to in the year 1860. Now, if I should live as long in the political arena, I would not like anything to be brought against me in 1860 to prove that I had sanctioned or encouraged any such idea. I have a firm conviction that you must go on every year remitting a part of your indirect taxation, and I should not be dealing fairly with you if I told you that I saw any prospect of getting rid of the income tax. There are certainly two ways of doing it. It can only be done either by the imposition of some other direct tax, or by a very large retrenchment of the expenditure; and in either case you must render available to the Chancellor of the Exchequer the means of meeting the constantly increasing necessity for the remission of indirect taxation. But I do not think the right hon. Gentleman wishes those who vote with him to pledge themselves that the income tax will be put an end to in 1860. I believe he is sincere himself, and that if he should happen to be then in power, and anything should be done by his Colleagues to prevent him carrying out his own views, he would rather leave office than be any party to what might possibly appear to be a breach of faith. I hope the right hon. Gentleman will be here in 1860. May we all live as long! But how can we bind a future Parliament? No, that is not possible; we cannot pledge a future Legislature to the adoption of any measure. We shall have a reformed Parliament before 1860. Probably the tax will be changed to a property tax before then; or it may be levied in another way—upon capitalised incomes for example; or the House may be so charmed with the probate and legacy duties, that it may desire to increase them; or something or other may occur to render the abolition of the income tax possible; but I would guard myself most carefully from being supposed to pledge myself in any way to the abrogation of this tax in 1860.

Mr. Serjeant SHEE said, that in offering a few observations to the House, he would endeavour to get rid of the feeling of irritation which the speech to which they had just listened had produced: for that purpose he would advert to what fell on a former evening from his hon. Friend the Member for Carlow (Mr. J. Ball), who exhorted the Members for Ireland to remember that they sat in that House as representatives, not merely of their own constituents, but of the general body of the Queen's subjects. He knew no one who was better entitled than the hon. Member for Carlow to inculcate that rule of Parliamentary conduct, first laid down, he believed, by Mr. Burke, for no one adhered more faithfully to another rule also declared by Mr. Burke to be a leading principle of his policy, namely, to demonstrate on all occasions his "settled, habitual, systematic attachment to the cause and the office of Government." He was quite willing, if it pleased his hon. Friend, to address the House, not as an Irish Member, but as one sincerely and heartily interested in the prosperity and glory of the United Kingdom; and he must say he considered that the sense of honour and justice of the English people ought to lead them to defer to the opposition offered by the representatives of Ireland to the application of the income tax to that country. He thought he could satisfy the House that they could not with justice insist upon imposing that tax upon the Irish people. He begged to remind the House that the income tax had not hitherto been applied to Ireland, and that not only the late Sir Robert Peel, but the right hon. Gentleman opposite (Sir C. Wood), had declined to impose that tax upon the Irish people. Indeed, from the period of the Union down to the present time, no Chancellor of the Exchequer had thought it wise or just to apply the income tax to Ireland; he therefore considered that he was bound to give the proposed extension of the tax his most determined opposition. The House was frequently told that it was bound to keep faith with the public creditor; and he would ask whether it was not equally incumbent upon the House to maintain faith with our fellow-subjects in Ireland? He would remind hon. Gentlemen, that at the time of the Union the debt of Ireland was absolutely insignificant compared with the debt of England. The debt of England was 486,849,000*l.*, while the debt of Ireland was 28,544,000*l.* In 1816 the debt of Great Britain had increased to 734,522,000*l.*, and the debt of Ireland to 112,704,000*l.* Now, what occasioned this enormous increase in the debt of Ireland within fifteen years? He thought he could satisfy the House that it was caused by unjust legislation on the part of this country. By the articles of Union it was provided that Ireland should be protected from liability for the debt of Great Britain contracted before the Union, and from the raising of her taxation to the high standard then existing in Great Britain, unless one of three contingencies occurred—the liquidation of the two debts; such an approximation between the values of the two debts as would bring them within the proportion agreed upon at the time of the Union, of seven and a half to one; or such a change in the circumstances of the two countries as would admit of their contributing indiscriminately by equal taxes imposed upon the same articles. The first contingency, the liquidation of the debts, had not occurred; but in 1816 an approximation did arise between the debts of the two countries, which were brought within the proportion of seven and a half to one. This result was caused by injustice in the legislation of this country. The Parliament of the United Kingdom imposed upon Ireland heavier taxes than it was possible for that country to bear, and Ireland was thus under the necessity of borrowing money to meet the demands made upon her by the Imperial Treasury. It was admitted in 1816 by the then Irish Chancellor of the Exchequer, Mr. Vesey Fitzgerald, and every statesman who spoke upon the subject, that Ireland had been overtaxed in the interval between 1800 and 1816. Sir John Newport also said in 1822 that, "ever since the Union the Imperial Parliament had laboured to raise the scale of taxation in Ireland as high as it was in England, and only relinquished the attempt when they found it was wholly unproductive." Well, what had been done since then? The Consolidation Act mortgaged every acre in Ireland, all the resources of that country, and the industry of its inhabitants for the whole debt of England—not only for the debt contracted since the Union, but for the 400,000,000*l.* or 500,000,000*l.* contracted previously. For whose benefit was that debt of 400,000,000*l.* or 500,0000,000*l.* contracted? Not surely for the benefit of Ireland. It was not, he supposed, for the benefit of Ireland that we had lavished enormous sums on this metropolis—it was not for the benefit of Ireland that we were at war for so many years, although no doubt Ireland showed her interest in the wars we carried on, for her sons shed their blood freely for this country. Then, for whose advantage was the increase of debt between 1800 and 1816 contracted. He might be told it was for the benefit of the United Kingdom—not only of Great Britain but of Ireland. He would ask, however, was not that a fallacy of which English Gentlemen should be ashamed? Was it for the benefit of Ireland to give 20,000,000*l.* (though he did not find fault with that measure) for the emancipation of slaves? Surely not—that expenditure was incurred to gratify the humanity, to promote the glory, and to maintain the interests of this country. If Ireland had not been united to Great Britain, she might have gone through the period which has elapsed since the Union without adding—he would not say a shilling, but certainly—any considerable amount to her debt. It was impossible to deny that, under the Consolidation Act, the Chancellor of the Exchequer had a legal right to impose this additional taxation upon Ireland; but he thought it would be difficult to show that, upon a fair consideration of the engagements of the two countries, it was equitable to do so. The right hon. Gentleman below him (Mr. Disraeli) had introduced, not long ago, a Budget, against which he (Mr. Serjeant Shee) had voted. The right hon. and hon. Gentlemen opposite (on the Ministerial benches) seemed to have objected to that Budget mainly on this ground—that they were anxious to do good to their country by obtaining what Archimedes wanted —a place whereon to stand. They were, no doubt, actuated by a love of power; and he believed their main objection to the Budget of the right hon. Gentleman (Mr. Disraeli) was, that it was brought forward by the leader of the party to which they were opposed. Two very able, two wonderfully clever, men had proposed Budgets in a very short time, and the second, of course, felt himself bound to propose something new. Accordingly he threw over the house tax to make friends of the voters in the boroughs in England; he reduced taxation on many articles of mere luxury, and the assessed taxes; and then, knowing that it would be quite popular in England, he did what all his predecessors had been ashamed of doing—threw the income tax on Ireland. Now, he would ask the Chancellor of the Exchequer whether he was quite sure, according to his own estimate of the ability of Ireland, that that country did not pay as much taxation as she ought to pay? The Chancellor of the Exchequer proposed to levy an income tax of 460,000*l.* upon Ireland. The present amount of the income tax in Great Britain was 5,550,000*l.*, to which the right hon. Gentleman proposed to add 250,000*l.*, by extending the tax to incomes of 100*l.* a year. The total amount of income tax derived from Great Britain would, therefore, be 5,800,000*l.*; but the Chancellor of the Exchequer proposed, by extending the tax to Ireland, to raise an additional sum of 460,000*l.* He seemed, then, by that proposal, to estimate the relative abilities of the two countries in the proportion of one to thirteen. Now, the entire revenue of the two countries was 53,000,000*l.*, of which Ireland contributed 4,000,000*l.* Deducting that amount, the revenue of Great Britain would be 49,000,000*l.*, and one-thirteenth of that sum would be less than the 4,000,000*l.* now paid by the Irish people. But supposing that were not so, let them see whether the hon. Member for the West Riding (Mr. Cobden) was justified in his attacks upon the representatives of Ireland. For his own part, and still speaking as a Member for the United Kingdom —and he could do so from the peculiar circumstances in which he was placed in relation to the other Irish Members—he frankly avowed that he did not believe there was any man in that House who had so little claim to credit from Ireland as the hon. Gentleman (Mr. Cobden). There was no man in that House who, not having been born to a station of influence—not having taken his place on or near to the Treasury benches at the age of twenty-one, but having raised himself to a position equal to that of the hon. Member—who had shown so little sympathy for the people of Ireland. He (Mr. Serjeant Shee) admitted that, when a loud cry of intolerance was raised in this country two years ago, the hon. Gentleman had breasted it like a man, and boldly stood forward to denounce the clamour of those who might possibly have deprived him of his seat, but who could not have deprived him of the well-earned reputation the hon. Gentleman then possessed in the eyes of the people of his own country. When the hon. Gentleman assumed that he was therefore entitled to lecture the Members for Ireland, he (Mr. Serjeant Shee) could tell him, that what the hon. Gentleman then did, he did for his own character, his own honour, his own fame; that with all the credit gained by his financial and commercial reforms, he might not go down to posterity as a mere bigot after all. During the number of years that the hon. Gentleman had occupied a seat in that House, he had done nothing whatever for the people of Ireland. Did the hon. Gentleman not know full well that there were grievances of which that country complained—grievances which, although he (Mr. Serjeant Shee) assented to all the main principles of the present Budget, would prevent him from sitting on the other side of the House until the Government had the manliness and the courage to redress them. The hon. Gentleman had never even moved his little finger to assist in the removal of those grievances; he had not stood forward to remove from the people of Ireland the evils of their ecclesiastical system; he had never raised his voice in their favour until an attempt was made to destroy their religious liberties. The only part which the hon. Gentleman had ever taken in the discussion on Irish questions was to scoff and spurn at the Irish Members, and complain that they never took part in Imperial questions. In this the hon. Gentleman was not only wrong, but ungrateful. On what did his fame rest? Could the hon. Gentleman have wrested free trade from the landed aristocracy without the frieze coats of Ireland? Could he have carried that question by large majorities, if the Members for the Irish agricultural districts had not always voted with him? The hon. Gentleman said that the Irish Members always made questions relating to Ireland matters of mere pounds, shillings, and pence, and that they endeavoured to make bargains with the Chancellors of the Exchequer. With what reason could the hon. Gentleman say so? Did he not know that the people of Ireland supported free trade, notwithstanding the great pecuniary loss it would and did inflict upon them? Did he not know that not only the farmers but the landowners of the country had lost a considerable amount of income by supporting free trade in corn and cattle? It appeared to him (Mr. Serjeant Shee) that the memory of the hon. Gentleman must be wofully short, or that he must be quite deficient in gratitude to those who had lifted him to his present position, when he threw in the teeth of the Irish Members the assertion that they were in the habit of making pecuniary bargains with the Ministers of the day. Passing from the lecture of the hon. Gentleman to the main question before the House, he must say that there were, in his opinion, reasons worthy of consideration which ought to prevent them from imposing additional taxes upon Ireland. The first was, that Ireland had of late years suffered very considerably by the carrying into effect of the wise policy of England. The Irish people had given an earnest support to the free-trade system; but the interests of the farmer and of the landowner had suffered considerably in consequence. They had been sacrificed to the policy of this country. They were not only sacrificed to the policy, but they were also made to bear an undue proportion of an expenditure incurred to gratify what he called the most absurd whims and prejudices. Had it never occurred to them that there was one tax which, to gratify their English whims, Ireland was made to bear, though it was not borne in England? Did Ireland not maintain the expense of a Church, of a hierarchy, consisting of twenty-seven bishops and 3,000 priests? Was that not a tax upon the people? Was it not imposed simply to gratify the Members for this part of the United Kingdom, because they pleased that the whole of the ecclesiastical revenue of Ireland should be applied to the support of clergymen who read the Common Prayer Book of the Church of England? It was a tax exceeding the proposed income tax in amount. He would not take it at his own estimate, but at the same amount as was required for the support of the Protestant Church, which was between 600,000*l.* and 700,000*l.* a year, besides upwards of 500,000 acres of land. That was all for their whim. The people of Ireland derived no benefit whatever from it. When the next Budget was proposed, it ought to be taken into consideration; and before they resolved to inflict on Ireland an income tax, let them remember the burdens which pressed upon the lower and the middle classes, the farmers and shopkeepers of Ireland. Let Ireland bear her fair share of the expenditure of the country, and not be taxed to gratify mere whims. There was an amount of 560,000*l.* expended annually in Ireland for the maintenance of the police. It was impossible to go into a little village in Ireland without meeting a policeman. He could not look out of his window in Kilkenny without seeing the green-coated members of the police force. That was not the case in this country. Why had that expense been incurred? Because they chose to govern the country in a manner opposed to the wishes of the people, and which made it necessary that there should be two large standing armies, one in red and another in green, for the repression of the people of Ireland. The first was paid out of the resources of the two countries, and rendered it necessary that a larger sum should be raised than would otherwise be required. This was only to meet their whims, and not because Ireland wanted it. He never met a policeman in the garb of a soldier in the county of Kent, or in any county of Scotland. It was only in Ireland; and that because they chose, with respect to their laws on religion and the relations of landlord and tenant, to govern the Irish people on principles which the

English people would rebel against sooner than submit to. So long as they continued to govern Ireland upon mere whims, they ought to pause before doing so inequitable a thing as to make Ireland pay, according to the suggestion of the hon. Member for the West Riding (Mr. Cobden), the same amount of taxes relatively as the people of England. He (Mr. Serjeant Shee) had been shocked by what had fallen from the hon. Member for Montrose (Mr. Hume). That hon. Gentleman, looking at them with all the coolness and intrepidity in the world, had told the Irish Members that they must first pay their share of the taxes, and that then they should have justice. He (Mr. Serjeant Shee) said, why not justice first, and taxes afterwards? He told hon. and right hon. Gentlemen opposite that though the Irish representatives were willing to give them credit for being well disposed towards the principle of civil and religious liberty, they could not be satisfied with an inclination, and would shortly be found banded against the Government, unless the Government pursued a bold and generous policy towards their country. Would to God the time had arrived when there should be no party in that House but the party of the United Kingdom! He, for one, would rejoice if there was no section of the House known as the Irish party, with respect to which calculations should be made as to the side on which they would vote on every question. But he would say, that there never could be an end of the Irish party until they (the English Members) got rid of their whims and prejudices, and were content to economise the expenditure of the two countries by doing justice to Ireland. In his opinion, speaking with all deference to those who differed from him, it was quite impossible for any independent Irish Member to approve of the proposed Budget. He might vote for it if it were amended, by exempting Ireland from the income tax; but until the known grievances of Ireland were redressed, and perfect justice done to her people, every Irish Member ought to resist the imposition of new taxes on his country.

Mr. J. L. RICARDO said, he did not intend to follow the hon. and learned Gentleman into the detailed accounts which he had given to the House; but he (Mr. Ricardo) had heard with some surprise the elaborate attack on his hon. Friend the Member for the West Riding (Mr. Cobden), for having ventured to suggest to the Irish Members that they should identify Ireland with England in the debates in that House; and that they should devote more of their attention to matters of Imperial concern. The hon. and learned Gentleman had altogether separated the interests of the two countries in the observations which he had just addressed to the House. The hon. and learned Gentleman had spoken of the two Budgets; but it now appeared that in his (Mr. Serjeant Shee's) opinion there ought to be a third, namely, a Budget for Ireland; and the hon. and learned Gentleman said clearly that he should not be satisfied unless there was a Budget for Ireland. The hon. and learned Gentleman had told them that the income tax was a fair tax for England, but not for Ireland. He (Mr. Ricardo) could not understand how there could be any fairness in the taxation of the Empire, when they were called upon to deliberate upon one principle for England, and upon another for Ireland. Having taken some part in the debates in this matter, and having given it deep consideration, he (Mr. Ricardo) felt that he ought to state his reasons, which he would do briefly, for the vote which he was about to give. He came down to the House on Monday last, having seen an Amendment on the Votes to the following effect:—

> "That for and in respect of any profession, trade, or vocation, whether the same shall be respectively exercised in the United Kingdom or elsewhere, for every 20*s*. of the annual value or amount thereof above the yearly profits of 100*l*. and under that of 500*l*.—for two years from April 5, 1853, 5*d*.; and for two years from April 5, 1855, 4*d*.; and for three years from April 5, 1857, 3*d*."

That was a plain and tangible proposition that could be debated and understood. But by some extraordinary manœuvre, which shaved very closely the rules and regulations of the House with respect to Motions made in Committee, another and a general Resolution was put upon the books, stating, as far as he could understand it—for it was not very comprehensible, he presumed from an error of the printers—that no income tax ought to be passed without some adjustment and arrangement. Now, the whole pith of the matter lay in that adjustment and arrangement. He did not believe that there was any man in that House who did not wish that this tax, as well as every other, should be adjusted and classified as fairly as possible. But he had expected that some hon. or right hon. Gentleman on the other (the Oppositwo subjects of the consolidated annuities and the income tax being mixed up together. To do so was subversive both of the principles of government and finance; they were essentially separate and distinct; each of them ought to stand upon its own merits and its own justice. If it was just and politic to impose the income tax on Ireland, let it be done, but not as an equivalent for the remission of these demands. It was only saying you would take a burden off one party, and place it upon another. With regard to the general provisions of the Budget, he would ask, if it had a just bearing upon the interests of Ireland, compared with the interests of this country? It had not. England was to get the remission of the soap duty, 1,200,000*l.*, but he doubted whether the extent of the relief would be so considerable as was anticipated, for, though there was no duty upon soap in Ireland, he believed there was no such material difference in the price of soap in the one country and the other; at any rate, not such a difference as to correspond to the relief talked of. As to the reduction of the tea duties, Ireland would share in that; but the object was not to serve Ireland, but rather to secure a large market in China for English goods; and that was the main reason why the hon. Member (Mr. Cobden) so decidedly supported this Budget. It suited him. It struck a serious blow at the landed interest, and opened a large market for English manufactures. The consolidated annuities which the right hon. Chancellor of the Exchequer proposed to remit, amounted to 245,000*l.* a year; but the late Chancellor of the Exchequer abandoned that portion which was to be paid by the unions, where over 4*s.* in the pound was raised for the poor, reducing the amount to 175,000*l.* a year. But, after the unanimous Report of the Lords' Committee, and the admissions made on all sides, no Minister could make a legitimate claim for more than 2,400,000*l.*, which at 6½ per cent would require an annuity for twenty-two years of 140,000*l.*; and that was the entire amount really to be remitted. On the contrary side, there was the income tax to be imposed on Ireland, estimated at 460,000*l.* a year, but more likely to exceed 500,000*l.*; legacy duty extended to land, 300,000*l.*; additional spirit duty, allowing for drawback, about 200,000*l.*; licences, about 50,000*l.*; altogether, 1,050,000*l.* There would be the protection taken off butter and eggs, and so forth; but then there would be the first year's decrease of tea duty. The result would be an increase of money payment from Ireland of close upon 800,000*l.* a year. As to the income tax, how did the condition of Ireland now differ from what it was in 1842, when the first statesman of the day declared that he could not venture to lay this tax upon her? Sir Robert Peel also said that there was no machinery for levying it there; nor was there now. When it was proposed, last December, to extend the tax only partially to Ireland, the right hon. Baronet the Member for Halifax (Sir C. Wood) said—

> "In her present state it is not wise for us to press Ireland down with additional taxation. Considering the large burdens recently imposed upon her, and her depressed condition arising from the calamities of late years, the income tax ought not to be extended to Ireland. The proposal is to put in the narrow end of the wedge; and an Irishman is less wise than I take him to be if he is gulled by such a proposition. I do not think it wise to extend the income tax to Ireland."—[3 *Hansard*, cxxiii. 1309.]

The income tax had been opposed by the most powerful, influential, and experienced leaders of the party of "progress" in this country. Lord Brougham had spoken of it as a tax which ought to be resorted to only in the event of war; the noble Lord (Lord J. Russell) in 1842 admitted the inequality of its operation, and its inquisitorial character; yet the noble Lord was now prepared to continue it for seven years in all its oppressiveness and with all its inquisitorial character; and, not content with renewing it, he was prepared to extend it to Ireland. On March 17, 1842, Lord John Russell declared—

> "One objection to the tax was the admitted inequality of its operation. It is obvious that if you take three or four persons having each 300*l.* a year, the pressure may be most unequal. The first derives his income from permanent property. The second is in receipt of a terminable annuity. The third is engaged in a dangerous or unhealthy profession, who lays by a small part of his income as a future provision for his family. In this case, you are taxing capital as well as income. The fourth may be a person engaged in trade, whose profits are uncertain: one year his gains are inconsiderable, the next year less, the third year a positive loss; is he to be taxed as you take from one whose income is permanent? Again, the inquisitorial nature of the examination, which is part and parcel of this tax, and which it is not possible to avoid, as you cannot rely on the declarations of individuals as to the amount of their incomes. It is said people ought not to object to their incomes being known—an extraordinary declaration in a commercial country: there are occasions when the publication of a merchant's accounts would be most prejudicial to him."

In his Resolution the noble Lord asserts—

> "The amount of taxes taken off or reduced from the termination of the war to 1836, exclusive of the income tax, is 23,873,000*l.*, in Ireland 2,000,000*l.*"

He concludes by declaring—

> "The tax was inquisitorial in its nature, unequal in its pressure, hitherto considered as the financial reserve of the nation in time of war, is not called for by public necessity, and therefore not advisable."

Will he support its continuance for seven years, and its extension to Ireland, after refusing his assent to it in a modified form, and affecting solely the prosperous interests in that country? The next proposition of the Chancellor of the Exchequer was to increase the duty on spirits. Now in 1842 Sir Robert Peel proposed an additional duty on spirits of 1*s.* a gallon; but after retaining that duty a certain number of years, he abandoned it. Sir Robert Peel had a Minister in the Cabinet well acquainted with Ireland, in the person of Lord Fitzgerald and Vesey, who had been Chancellor of the Exchequer in Ireland before the Union, and who consequently knew the condition of Ireland well. That nobleman advised Sir Robert Peel to withdraw the tax, and it was withdrawn accordingly. There was no Irishman in the Cabinet at present; there was none, therefore, to whom the Government could look for advice. [Sir J. Graham: Lord Palmerston.] That noble Lord was generally a resident here. Certainly, he had Irish estates; but if the right hon. Gentleman gave the noble Lord to him as a countryman, he should claim the noble Lord with pride and with pleasure. Without fear of contradiction, he (Mr. French) asserted that 8*d.* per gallon on spirits in the present day, was, owing to the effect of the unrestricted importation of corn, equal to 1*s.* per gallon proposed in 1842 by Sir Robert Peel; and the present Government was merely repeating blindfold the error from which Sir Robert Peel extricated himself in 1842. The effect of a duty would on smuggling always be in proportion to the price it bore to the raw material; 8*d.* at present was an equal bounty on smuggling to 1*s.* in 1842, when freedom of trade and unrestricted importation were taken into consideration. And then, in order to collect this additional impost, the right hon. Gentleman the Chancellor of the Exchequer proposed to press the Irish constabulary into the revenue service. At present there was the greatest difference between the police constable and the revenue officer. The former could only act under the orders of a magistrate; the latter was under no control, and was authorised to use his fire-arms whenever he thought himself in danger. Now he would ask the Committee whether it was advisable to let loose upon Ireland 13,000 additional firelocks? That proposal was a distinct violation of the promises and pledges which had been given by Her Majesty's Government. Lord Liverpool's Administration undertook that the constabulary should not act for the purpose of discharging such duties as might fall to a gamekeeper, or for the purpose of collecting the revenue. That pledge was even embodied in the Act of Parliament. The right hon. Member for the University of Cambridge (Mr. Goulburn) who was not at that moment in his place, was a party to that arrangement, and could bear out the statement now made. The effect of such a measure as the Chancellor of the Exchequer proposed would be to destroy the efficiency of one of the finest forces in the world, to render them liable to bribery both by money and by whisky, and to put an end to their character as a constabulary force. Had they consulted the able and meritorious head of the police force, Sir Duncan M'Gregor? If they had, would they lay his opinion on the table; if they had not, would they now ask for it? If he knew anything of the character of that gallant officer, his condemnation of the scheme would be as complete and perfect as that of any man could be. He would warn them that their increase of the spirit duties, as a financial measure, would fail. Sir Robert Peel calculated upon receiving from his increase the sum of 250,000*l.* a year; in the first year the sum realised amounted only to 16,000*l.* One of their ablest financiers, Mr. Poulett Thompson, referred in March, 1830, to Ireland as affording an illustration of the effect produced on the revenue by excessive taxation. 3,000,000*l.* of additional taxation had, on one occasion, been imposed on Ireland, the Minister of the day thinking a revenue of 4,370,000*l.* from Ireland too little. The result was a loss on the revenue of 500,000*l.* That instance, Mr. Poulett Thompson said, ought to be a lesson, and ought to teach them to avoid a similar error. Reverting to the subject of direct taxation, he wished to call attention to the evidence before Lord Beaumont's Committee, from which it appeared that of the legacy duty one-fourth was contributed by the land. All land let on renewable leases were subject to it; real property in many cases under wills became liable to it. The Government proposed to extend the legacy duty to Ireland, and impose it on that property that had suffered most. The legacy duty was a duty imposed on property passing between the dead and the living. What did the land pay which passed from the living to the living? It was easy to transfer a sum of 100,000*l.* in money; but if it were attempted to transfer land of which the value was 100,000*l.*, it would be seen that the charge for investigating titles, the long delays, the inquiry into burdens, the stamp duty, and the cumbrous and complicated law which affected real property in this country, rendered the transfer of land difficult and expensive. It was a delusion and a fraud that the landlords should be subjected by this Budget to a double charge. Were all the yeomen of England to be destroyed for the sake of the Manchester men? He remembered the noble Lord the Member for the City of London speaking, in 1840, of the pride which the 40*s.* freeholder in Devonshire had in a property that had been handed down from father to son, from the Conquest. If the gentry of England on both sides were indifferent to their own interests, they ought not to be so to the interests of those who had sent them to that House, merely from fear to grapple with a party which, if they only stood up to it, would not be found to consist of such formidable adversaries —namely, the "Manchester school." Let that dissolution take place with which they were threatened; they were not afraid of it; but at least the announcement on that subject ought to be made by Ministers, and not in semi-official statements. He should not go into the general question of the relative taxation of England and Ireland, nor should he dwell on the protest of Lord Rosse, which no one had answered, or the statistical tables of Mr. Kingsley, and other evidence, which showed that Ireland paid taxation to the fullest amount on landed property, and that the imposition of the property tax was therefore uncalled for. He repeated, in conclusion, that the Budget introduced into Ireland an oppressive and inquisitorial tax, which had been condemned by every statesman in the House of Commons; and there was no necessity for so introducing it if the tax were not to be permanent; that the Budget would increase the expense and deteriorate the qualities of the constabulary force in Ireland; would re-establish smuggling and all its consequent evils; and, however well intended that Budget might be, he honestly and conscientiously believed that, if it passed in its present form, it would operate most unjustly, and to Ireland would be the most injurious Budget ever proposed in the House of Commons. Under these feelings he should give it all the opposition in his power.

Mr. BELLEW said, he would scarcely have ventured to address the Committee were it not for the remark of the hon. and learned Member for Kilkenny (Mr. Serjeant Shee). That hon. and learned Member concluded his observations by stating that, in his opinion, no independent Irish Member could conscientiously support this measure. Now, as it was his intention to give his conscientious support to the measure, it was but fair that the Committee should have patience with him for a very few minutes while he stated his reasons for doing so. On Monday he came to the House with a mind perfectly unembarrassed; he had not decided before the debate as to how he should vote. He had listened to all the objections which had been urged against the Budget, and especially as it would affect the Irish constituencies, and he had heard nothing to contradict the assertion he now ventured to make, that it would be a great boon to the tenant-farmer in Ireland. It might, as it had been urged, press hard upon the struggling shopkeeper; but he begged hon. Members to recollect that the shopkeeper derived his existence from the tenant-farmers who surrounded him. Then it was urged that by the remission of the consolidated duties, taken in connexion with the imposition of the income tax, the richer parts of Ireland would be made to pay the debts of the poorer. Taking that view of the case, he maintained that it was right and just it should be so; for if it had not been for their connexion with the poor parts of Ireland, Belfast, and its neighbouring towns, for example, would not so long have escaped the income tax. Then it was said that if they once consented to the imposition of the income tax, it would be imposed for ever. Some people said, "Oh, would you believe the word of the Chancellor of the Exchequer?" He, for one, did believe in the word of the Chancellor of the Exchequer. He believed in the unsullied honour and the clear judgment of the right hon. Gentleman. No doubt circumstances might intervene and defeat his calculations; but then Imperial calamities must be met by Imperial measures. On these grounds, then, he should cordially support the proposition of the right hon. Gentleman, though personally he would be a loser by it. He believed it would be found that Ireland would willingly come forward to pay her quota. When it was proposed some one hundred years ago to impose a duty on salt to relieve the landed interest, the landed interest said they preferred having things as they were for the sake of the poorer classes. With reference to what had been said by the hon. and learned Member for Kilkenny, he begged that hon. and learned Gentleman to believe that others might differ in opinion from him and yet be honest; and if he might venture to recommend anything to so experienced an orator in regard to his style, it would be the old hackneyed quotation, *Suaviter in modo, fortiter in re.* The hon. Member for Roscommon (Mr. F. French) said that these propositions would increase Irish taxation to the extent of 800,000*l*. a year. For his part he believed it would be nothing like that sum, and that when all sides of the question came to be fully investigated, the increase would be found to be very small indeed. The hon. Member for Roscommon further expressed his regret that there was no Irish gentleman of ability and experience in the Cabinet. That was no doubt a painful consideration; but he trusted that the next Government, to which the hon. Gentleman appeared to be looking forward—the incoming Government, on which he seemed to rely with so much fondness—when it came into power, he hoped it would not commit the same great oversight as its predecessors, but would take into its counsels the hon. Gentleman, who was so thoroughly conversant with Ireland and Irish affairs. He would give his cordial support to the Resolutions before the Committee, at the same time that he reserved to himself the right of opposing other parts of the right hon. Gentleman's scheme. He could not approve, for instance, of the increase of the duties on Irish spirits, which he feared would lead to an increase of illicit distillation; but if that were found to be the case, he was satisfied the right hon. Gentleman would withdraw the increased duty. There was also a question which he should like to have answered. When Sir Robert Peel exempted Ireland from the income tax, he imposed an increased stamp duty on that country. Was he to understand that that increased duty would now be remitted? On the whole, therefore, and thanking the Committee for its indulgence, he begged to say he would cordially support the proposition of the right hon. Gentleman the Chancellor of the Exchequer.

Mr. SANDARS rose and said: Sir, I rise briefly to express the views which I entertain on this important question. I am the more desirous of doing so, as I believe I have arrived at a different conclusion from hon. Gentlemen generally on this side of the House. I believe in the sincerity of their views, and I trust they will accord equal justice to me. Sir, the question before the Committee is, not alone the abstract Resolution of the renewal of the income tax, but it is the whole financial scheme of the right hon. Gentleman the Chancellor of the Exchequer. The income tax is the corner stone of that scheme, and if that be defeated the whole fabric is destroyed. Were I called upon to vote upon the abstract Resolution alone, that the income tax should be continued for seven years on all classes of income alike, I should at once say Nay to such a proposition; but I must now consider this question along with the other propositions proposed by the right hon. Gentleman; and first and foremost is that of the legacy duty on successions of real property in cases of death. And let me tell the Committee, that the support of this tax is not new in my case, as *Hansard* will bear testimony. In the discussion of the Budget in 1848, I submitted this very proposition to the House and at the same time explained that when Mr. Pitt in 1796 introduced a Bill for levying the probate and legacy duty on personal property, he accompanied that measure with another for a tax on the succession of real property. I will state to the Committee the words of Mr. Pitt on the introduction of that Bill, "He (Mr. Pitt) agreed that the principle on which the two Bills were founded was much the same, and that if this Bill (tax on succession of personal property) passed, it would be very desirable that the principle should be extended to real property." Sir, the Bill for the tax on the succession of personal property did pass; but on the second reading of that on real property, a division took place, when the numbers were equal, the Speaker giving his casting in favour of the measure; but in consequence of the influence and remonstrances of the great landowners, the right hon. Gentleman was subsequently obliged to withdraw the Bill. I ask, then, can I consistently now, if I were so inclined, oppose this part of the plan of the Chancellor of the Exchequer? Then, Sir, as I feel bound to support the proposed legacy duty on succession of real property, I ask can I consent in justice to that interest to levy on it a heavier income tax than on trades and professions? Besides, Sir, the Chancellor of the Exchequer proved the other night, I think very forcibly, if not very satisfactorily, that real property is already taxed at a higher rate, namely, as 9*d.* is to 7*d.* I therefore see little difficulty in giving my support to the renewal of the tax on all incomes alike at the rate of 7*d.* Hon. Gentlemen who have spoken on the question from the sister country, strongly and naturally enough oppose the introduction of it to Ireland; but to me that is a further recommendation; and I consider it has been a great omission and injustice to the rest of the United Kingdom that this anomaly has not been sooner remedied. Adam Smith lays it down as a principle of taxation that it should be imposed in proportion to the ability of persons to bear it. Now, I would ask, is not the landower in Ireland (a purchaser perhaps of one of the late encumbered estates) as able to bear that tax as the heavy burdened landowner in this country? Is not the merchant and manufacturer of Belfast or Derry as able to pay the tax as those of Liverpool or Manchester; is not the shopkeeper of Dublin equally able to pay tax on his profits, as the shopkeeper in London? I say then it is an injustice not to levy it on Ireland; and I am glad to see that it is an injustice that is to last no longer. Sir, there is one part of the scheme of the right hon. Gentleman to which I have a strong objection, and that is the licensing system on certain trades. The seller of a cigar at an hotel is to pay a rate of duty in proportion to the rent of his house. A seller of tea and coffee the same, though he may sell fifty other articles at the same time; yet he has to be taxed as if his premises were used exclusively for the sale of his tea and coffee. The proposed mode of levying this tax from the maltster is monstrous in its effects. The present licence costs the maltster 4*l.* 14*s.* 6*d.*; but in lieu of this it is proposed to levy it after the rate of 7*s.* 10*d.* on every fifty quarters. Why, Sir, this will make a difference to some of my constituents of from 40*l.* to 200*l.* per annum, and without the least chance of making any extra charge to the public. I am given to understand, also, that the tax on beer licences will amount, in some instances, to upwards of 1,000*l.* per annum. Sir, if the right hon. Gentleman feels that he must derive a portion of the revenue of the country from a tax on licences, then I say, make it general. Tax the wealthy banker, the rich merchant and manufacturer, in proportion to the amount of their business returns, and then those classes which I have named, and which have been so arbitrarily singled out, will have no right to complain. Sir, I have another objection to state, and that is the retaining of 6*d.* of the advertisement duty. This House has recently decided that the whole of this tax should be repealed: and it now comes with a bad grace from the right hon. Gentleman to say, "I will not agree to the whole of your demand, sanctioned though it has been by the authority of the House; but I will give you two-thirds of it, and with this I beg you to be content." Sir, as one of those who voted for the repeal of that tax, I say I am not content. I have said that I voted for the repeal of the advertisement duty; and as faction has been attributed to many on this side of the House for their votes on that occasion, I perhaps may be allowed to explain my own vote. My name does not appear in the division list last year; but had I voted, I certainly should have voted for its repeal. On the hustings I promised to vote for the repeal of the advertisement duty as well as the stamp on newspapers; and by voting for those measures, I have redeemed the promise I then made. I think, Sir, I have now stated all the main objections I have against the Budget. I will now review the other and more agreeable side of the question. First, the Customs. The total repeal of the import duty on 123 articles, amounting only to 53,000*l.*, and the reduction on 133 other articles to the amount of 70,000*l.*, and the substituting fixed for *ad valorem* duties, are, in my opinion, most desirable reforms. The reduction of the tea duties to 1*s.* in three years, both sides of the House will hail with satisfaction, as conferring a benefit on all parties, particularly the poorer classes, and extending our trade and commerce with the East. Then, we have the total repeal of the soap duty; another great boon, which will be felt by all classes, and will promote the comfort and health of the poor, and afford a great relief to the manufacturer, and will produce an enormous increase in the exports of this article. Then, we have the reduction on receipt stamps and life policies: the former duty has been long evaded, and any law that is evaded with impunity is in principle bad. I am sorry that the reduction on life policies has not been extended to all policies of assurance. Lastly, Sir, we have the judicious alteration in the assessed taxes; and though this may by some be looked upon as a relief to the wealthier classes, I believe it will afford equal relief to the poorer by the extra employment it will cause. I have gone, Sir, pretty nearly through the Budget of the right hon. Gentleman. I have stated my objections as well as my approvals, and I am bound to say that it is a bold, comprehensive, and statesmanlike measure; and that after a careful consideration, I have come to the conclusion that, whatever evils there may be in the plan, the good far outweighs the bad; and, judging of the scheme as a whole, as I did that of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), I shall give it my support, and vote for the Resolution before the Committee, believing, Sir, as I do, that it will tend to preserve, if not to increase, that prosperity which so happily exists amongst all classes of Her Majesty's subjects.

Sir FRANCIS BARING said, that having on a former occasion taken part in the discussion respecting this tax, he was anxious to make some remarks on the Motion now before the Committee. The hon. Member for Stoke-upon-Trent (Mr. J. L. Ricardo) had complained of the form of the Amendment before the House. Now, so far from joining in that complaint, he was glad that it bore the shape which it did, because it did not rest the Amendment upon any isolated details of the scheme of the Government, but challenged the whole principle of the Budget, and asked the Committee to say whether or not it was prepared to sanction that principle. The right hon. Gentleman the Chancellor of the Exchequer had very frankly avowed that the corner stone of his Budget was the income tax, and that whatever alterations might subsequently be made in some of its details, unless the income tax was continued in its present form, the Budget was, of course, at an end. Well, the proposition of the right hon. Gentleman with regard to the income tax was, that it should be continued for seven years in its present shape, with the view of getting rid of the tax altogether at the end of that period; and by that continuance of the tax, and its extension, together with the imposition of other taxes, the right hon. Gentleman intended to afford certain remissions which would be beneficial to the revenue and to the public at large. It had been his fortune more than once to state (he was in a minority at the time) the great discomfort he felt by reason of the large amount of revenue which hung upon the question of a continuation of the income tax. Now, when the income tax was first imposed, and when in 1848 it was renewed, he (Sir F. Baring) took the liberty of expressing to the House the alarm he felt that the finances of the country should be made so largely to rest upon a direct tax, which was only continued from three years to three years. He had, therefore, heard with the greatest satisfaction that the Government had arrived at the conclusion that the income tax was not a fitting impost for permanent use in time of peace, and that they were prepared to grapple with the question with the view to its ultimate extinction. He had by no means any preference for either direct or indirect taxation, but experience had shown that a heavy direct tax in time of peace was not easy to keep; and, in his humble opinion, one of the most important merits of a tax was, that it should be one that could be maintained. Hon. Gentlemen below the gangway pronounced very great panegyrics upon direct taxation in the abstract; but, strange to say, when the question came to an actual vote, whether it was from ill-health or any like inability he knew not, they did not afford that support to direct taxation which led him to believe that it could be permanently retained. No doubt the right hon. Gentleman, with his great talents as a financier, might have imposed other taxes to an extent that would have enabled him to get rid of the income tax at once; but a Minister was bound to consider what mode of effecting his object was most likely to be adopted by the majority of that House, and no doubt the right hon. Gentleman had wisely decided to postpone the abolition of the tax, and to dispose of his present surplus in another manner. His (Sir F. Baring's) argument had always been that if the income tax was to be continued as a permanent source of revenue in time of peace, they must endeavour to readjust it, although he must say he had never entertained the sanguine hope that they would ever be able to remove the whole of its inequalities and defects. That task had been undertaken by those whose abilities he greatly respected, but they had utterly failed to accomplish it. A Committee of that House had sat for the purpose; and their Report, he must say, was a very unsatisfactory result for two years of incubation—for they were unable to devise any scheme which would render the tax just and equitable. Therefore he, for one, however inconvenient it might be, was prepared to support with his vote the continuance of the tax in its present form, with the condition that it was ultimately to be abandoned, rather than to recommend that the almost, if not altogether, hopeless task of equitably commuting the tax should be persevered in, with the view to render the impost perpetual. But it was asked, "What is your security that it will ultimately be abandoned?" and he had also heard strong comments upon the notion of making a Budget extending over a period of seven years. He knew something of the difficulty of framing estimates for a single year; and certainly the facilities of what the hon. Member for West Surrey (Mr. Drummond) called picking holes in a Budget were proportionately increased when it looked so far forward as seven years hence; but still they must look at the matter as sensible men, and they should remember that in the first place they had the pledge of the Government, which was not the mere pledge of individual Members, that if the tax was reimposed it would be extinguished at the termination of seven years. Well, if another Government should be in office at the end of that period, they would find it difficult to convince either that House or the country that it would not be a breach of faith to refuse to remove the income tax seven years hence, and they would find it still more difficult to continue it than to reimpose it. Again, were there no steps by which at the end of seven years they would be able to find the means of parting with the income tax? It was true that they could not, of course, calculate very accurately what would be the exact state of the public finances seven years hence; but he apprehended that in 1860 the whole amount produced from the income tax would have been reduced to about 4,540,000*l.* Now, it was the fact, and no mere matter of conjecture, that by the year 1860 an amount of 2,146,000*l.* would be derived from the prudence of our ancestors through the falling in of annuities, whilst a sum of 624,000*l.* more would be realised from the operation of the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn) upon the interest of the public debt. These two items added together would give a total of 2,770,000*l.*, which would be available in 1860 to go towards balancing the loss which the surrender of the 4,540,000*l.* derived from the income tax would then occasion to the revenue. Thus the amount which was to be made up would be between 1,700,000*l.* and 1,800,000*l.*; and when the sacrifice was reduced to an amount under 2,000,000*l.*, to be met from the legacy duty and the other additional sources of revenue, even if the Chancellor of the Exchequer's estimates should fall short a few hundred thousands, he could not rate the skill of financiers so low as not to believe that any small deficit could easily be made up to enable the income tax to be entirely given up after seven years, especially when the task would have been so reduced and brought within the range of a single stroke of finance, as the right hon. Gentleman had shown it could be. Therefore, after carefully examining the point, he (Sir F. Baring) did believe that there was a fair security that in 1860 the income tax could be got rid of entirely. With respect to the other parts of the Budget, he thought there was little difference of opinion either in that House or in the country. He considered that the right hon. Gentleman had acted wisely and well in the reductions that he had proposed. The soap tax was one of the worst taxes now in existence; and he was glad that it was now proposed to apply part of the surplus to its total extinction. With regard to the new burdens which the right hon. Gentleman meant to impose, the extension of the legacy duty to real property was a measure which he should support, not with the same view as some hon. Gentlemen seemed inclined to do, namely, because it would help to knock on the head the old landed proprietors of England, but because he thought the existing distinction between personal and real property ought no longer to be retained. It was only just that the two should be placed upon the same footing, the more especially after the expenses of stamps, which used to form the ground for the exemption of land from legacy duty, had now been reduced. He now approached a part of the subject upon which he regretted that he was obliged to take a somewhat different view from the Government, and which, after the best consideration he could give it, he was not prepared to support: he meant the extension of the income tax to those who had not hitherto been subject to it. The Committee would bear in mind, in the first place, that in dealing as was proposed with the income tax, they were not dealing with a permanent portion of the revenue of the country; but they had condemned that tax, and said that it was one which they did not wish or mean to keep; and yet the Chancellor of the Exchequer proposed to extend that tax to those who had hitherto been exempted from it, and to extend it to them for a certain time only. That course, he confessed, did not appear to him to be very consistent or very logical. If it was a good tax, he could perfectly understand their extending it; but if it was, as they said it was, a bad tax, why were they asked to extend it? Again, what was the greatest difficulty in the way of removing the tax altogether? Why, undoubtedly, its large amount; and yet it was proposed to enhance that difficulty by adding 500,000*l.* to its produce. The Chancellor of the Exchequer said that the class of persons possessing incomes of between 100*l.* and 150*l.* a year, had received greater advantages from the great remissions of the duties upon articles of consumption lately effected than those who received the higher grades of incomes. But if that argument was sound, why did the right hon. Gentleman propose to stop at incomes of 100*l.*? If the logic was good as applied to incomes of between 150*l.* and 100*l.*, was it not equally good with regard to incomes below 100*l.* a year? For he ventured to say that the lower they descended in the scale of income, the greater had been the benefits derived by the people from the adoption of free trade. Again, what was the great object of the remissions effected in recent years? Was it not in a great measure to transfer the burdens of taxation from the lower classes to the shoulders of those who were better able to bear it? But the right hon. Gentleman, having found that recent legislation had succeeded in attaining its object, had used that very circumstance as an argument why the Committee should replace the humbler classes in very much the same position as they formerly occupied. But, further, the right hon. Gentleman had urged, as a ground for not continuing the tax in time of peace, the effect which it produced in demoralising a part of the trade of the country. That was an argument which he (Sir F. Baring) could not treat with the ridicule which some might be disposed to cast upon it; and, he asked, was it wise, when they proposed to abandon the tax altogether, to extend the demoralisation to a class of tradesmen more liable to yield to its corrupting influence than the higher grades, who were admitted to have been tainted by its influence—a fact which, however it was to be deplored, they could not shut their eyes to? Again, he did not shrink from avowing the opinion, however unpopular it might be, that if Ireland was to be subjected to further taxation, it would have been wiser to have followed the course which Sir Robert Peel pursued, and to have laid upon that country a different tax from the income tax. The argument against the extension of the tax in Ireland, was even stronger than in the case of England. The demoralising influence had never yet touched Ireland; and, besides, all the machinery for raising the tax which already existed in England would have to be entirely created in Ireland; and Sir Robert Peel, who spoke from experience, not only having been Financial Minister, but having once been Secretary for Ireland, considered that its creation would be extremely difficult in that country. Therefore he (Sir F. Baring) thought it would be infinitely better to adopt some other mode of obtaining a larger contribution from Ireland than an income tax, which was altogether new to that country, and which was only intended to be of temporary duration. The right hon. Gentleman said, that one of the grounds why Sir Robert Peel exempted Ireland was, that two other taxes had been imposed upon that country as a substitute for the income tax, but that those two taxes had since been remitted. Now, a spirit duty was not an objectionable tax; and one of the taxes which Sir Robert Peel proposed for Ireland was 1*s.* per gallon on spirits, which had since been repealed. But the right hon. Gentleman by proposing the reimposition of a duty of 8*d.* a gallon on spirits, it should be remembered, was going to subject Ireland to the income tax at the same time that he was laying on two-thirds of one of the two taxes which were originally placed upon Ireland as a substitute for the income tax. The second burden which formed the ground of Ireland's exemption from the income tax was the stamp duties. It was true those duties had been reduced; but it must be recollected that this remission was one that was made, not for Ireland alone, but in favour of the whole of the United Kingdom, and therefore it was not fair to represent it as a special boon to one country. He knew that he was running counter to the prejudices of his countrymen in opposing sentiments which he had heard loudly cheered in that House; but he must ask, what was the amount of compensation which the right hon. Gentleman was about to give to Ireland? The abandonment of the consolidated annuities, after the evidence which had been adduced before a Committee of that House, he was bound to say, ought not to be regarded in the light of an absolute gift to Ireland, or as a compensation for the imposition of the income tax; and he thought that to a reduction of those annuities Ireland was to a certain extent entitled without giving any equivalent. He would not ask them to exempt Ireland from her fair share of taxation; but he did ask them to look at the comparative benefits which England and Ireland would receive from the present proposal of the Chancellor of the Exchequer. He might be wrong—probably the chances were that he was so—because any statement more ably made he had never heard in his life than that of the Chancellor of the Exchequer, but he would tell the Committee the view he took. He wished to show what were the advantages which England would derive from the plan, and those also which Ireland would derive. He would not attempt to capitalise the different funds, for he wanted to do it as simply as he could, and in this way. He would show, first, what were the comparative drawbacks and advantages that would fall to the lot of Ireland and Great Britain respectively when the whole Budget of the right hon. Gentleman came into operation, and then he would attempt to strike a balance between them. First, he would throw aside the taxes which were imposed on England and Ireland equally, and to be paid by England and Ireland alike. There was the legacy duty on land, which was to be imposed on both countries. Though the disadvantage of it might be greater for Ireland than for England, still it was to be paid by both countries alike, and therefore he should strike it off from each side of the account. Thus also with respect to the tea duties; both countries would share in the advantages of the reduction, and it would only complicate the matter to attempt to find how much of the tea duties was paid by England and how much by Ireland. But let them see what would be the relief given to Ireland, independently of these reductions, which were made for Great Britain and Ireland alike, when the whole Budget came into operation. The relief from the remission of the consolidated annuities, he understood, would be 440,000*l.*, and that was peculiar to Ireland. [Several Hon. MEMBERS remarked: It is only 240,000*l.*] The income tax in Ireland would be 460,000*l.*—he was afraid there could be no mistake about that; the additional spirit duty would be 198,000*l.*; so that the additional taxation on Ireland would be 658,000*l.*, whilst the relief given he had put at 440,000*l.*, but it appeared to be much less—

MR. DISRAELI: It cannot be that; the consolidated annuities are upwards of 4,000,000*l.*, and the interest is 245,000*l.*

SIR FRANCIS BARING: Well, then, the relief he would take at 245,000*l.*, so that Ireland would have to pay 413,000*l.* more than she paid now. On the other hand, the additional taxation on Great Britain would be the increased spirit duty for Scotland, yielding 278,000*l.*; the extension of income tax, producing 125,000*l.*; so that the new taxes applying to Great Britain would be 403,000*l.*; whilst the relief given would be—the soap duty, 1,126,000*l.*; the assessed taxes (not one sixpence of which would be for Ireland), 290,000*l.*; the posthorse duty, 27,000*l.* Thus the relief given in Great Britain by the immediate operation of the Budget would be 1,443,000*l.*, and the taxes imposed new and peculiar to Great Britain, 403,000*l.*; making the amount less to be paid by England 1,040,000*l.* He submitted for the fair consideration of his fellow-countrymen whether it was quite fair, when they would be immediately receiving a relief of 1,040,000*l.*, to place a new income tax on Ireland, and a whole amount in additional taxation of 413,000*l.* What was it they promised themselves—he spoke to the Members for Great Britain—by the year 1860? They would get rid of the income tax, 5,500,000*l.*; they would get rid of the soap duty, 1,126,000*l.*; they would get a reduction of the assessed taxes, 290,000*l.*; and a reduction of the posthorse duty, 27,000*l.*, making, in the whole, a relief of 6,943,000*l.* The only additional taxation was the spirit duty for Scotland, making a relief to Great Britain of 6,665,000*l.* per annum. Under these circumstances he (Sir F. Baring) should not feel reluctance in refusing, by his vote, to extend the income tax to Ireland. He did not believe that for many a long year they would be able to levy from Ireland every tax they levied from England; but this he did say, that while Ireland ought to pay its fair share of taxation, she ought, when remissions of taxation took place, also to have her fair share of those remissions; and he should not be at all sorry if, ultimately, the Government were enabled to reduce part of the consolidated annuities at least without calling for compensation in the shape of additional taxation.

LORD LOVAINE: Sir, I shall trespass on the attention of the Committee for a very short time in the observations I am about to make on the important matter before the House. On a former occasion my hon. relative and Friend the Member for West Surrey, said, there was no one so stupid as not to be capable of picking a hole in a Budget. On the other hand, I recollect the dictum of the poet—

> "Base is the slave who pays."

And I must say, that the Irish Members seem entirely to concur in the opinion of ancient *Pistol;* and so, between the Scylla of the folly of questioning, and the Charybdis of the baseness of paying without comment, it does not seem very easy to steer a straight course. However, Sir, I think that I bring to bear an intellect, feeble perhaps, but as fair and as unbiassed by party as any Gentleman belonging to that unpopular but necessary body, the Opposition to Her Majesty's Government. We are told to look upon this Budget as a whole, and I shall proceed so to consider it. The House must recollect, in the first place, that we are called upon to vote for a Budget, not for one year, but for seven, and we are called upon to insure the continuance of the income tax for that time, with the guarantee of the Chancellor of the Exchequer that at the end of that time it shall be abolished. Now, Sir, I believe that such guarantees are utterly futile, because we cannot tell what will be the disposition of any future Parliament, more especially as the next Parliament is to be elected by a body of a totally different description from the present constituency; and I think that the hon. Member for the West Riding was perfectly right when he pointed out the probability of the amount of any surplus being forestalled by fresh remissions of indirect taxation. And again, when the right hon. the Member for Portsmouth told us that the Chancellor of the Exchequer's calculations might fall short when that time should have arrived by a few hundred thousands, I think, though I am not an old Member of this House, that history informs me he did not find it so easy to fill up the *lacunes* in his calculations, when he was himself Chancellor of the Exchequer. This Budget divides itself, of course, like all Budgets, into two parts, the remission and the imposition of taxation. As to the remissions there can be no objection to them. In the case of the equalisation of the duties on spirits, I must say that a debt of gratitude is due, at least on the part of my constituents, to the right hon. Gentleman for abolishing the absurd system of a cordon of Excise officers upon the boundary of two integral parts of the country divided only by an imaginary line—a system worthy of Austria or Italy, or whatever country may be most backward in the science of commercial legislation. There can be no objection to the remission of the tea duties, nor to that on soap, unless indeed, it is for the purpose of lubricating the "ways," in nautical phrase, upon which the new system of taxation is to be launched upon futurity. But, coming, Sir, to the consideration of the imposts, I must remark, as regards the income tax, which is the main feature of this scheme, that the right hon. Gentleman has laid down as a canon of taxation that this tax is a tremendous engine, a fearful weapon, not to be drawn from the sheath except in the utmost need and utmost exigencies of the State; and, he has warned us in most brilliant and forcible language, how we blunt edge or point of that weapon by attempts to alter the arrangements and distributions of the tax, against the time when it may be needed by our successors. And yet, Sir, he seems to me to have done the very thing against which he has so strongly warned us. What does he do? He imposes a tax of virtually 9*d.* on landed possessions, against a nominal 7*d.* paid by trades and professions, who have the inestimable advantage of virtually taxing themselves, and then he proceeds to create a third class, who shall only be charged with a differential duty of 5*d.* Now, this must give rise to great heartburnings and discontent; for if the man who has only 100*l.* has to pay 2*d.* less than the man of 150*l.*, why is the man of 150*l.* to pay at the same rate as the man of 150,000*l.*? We come next to the imposition of a new tax, which, whatever may be the fate of the income tax, it requires no great foresight to see must be perpetual —the extension of the legacy duty to real property. It has been said that this is an elder brother's question. I maintain it is a question neither of elder nor younger brother—it is a mere question of taxation of two different species of property; and though I belong to the *Chambre des Fils*, as remarked by the hon. Member for the West Riding, I so far agree with him, that if it cannot be proved that real property has a right in justice to be exempted, I say, in God's name, let the exemption be done away with at once; but it is because I think this exemption is just, that I support it, and I think it can be proved that it is so. Take two persons inheriting property, the one 10,000*l.* in money, the other 10,000*l.* in land. The first pays his duty, walks away from the bank with the money in his pocket, proceeds to invest it in the best security he can find; he can calculate his expenses to a farthing, and even, thanks to the Chancellor of the Exchequer, can ascertain his expenditure with regard to the assessed taxes—a calculation hitherto as difficult as the study of *Bradshaw's Railway Guide*. Now, look at the landed proprietor: he is met by a cry for reduction of rents, by claims for taxes, for rates, for ruined cottages, for falling farm houses, for undrained land—he has very likely to raise portions for younger children at an interest of 3½ or 4 per cent at least, and for which they only receive a bare 3 per cent, causing a difference to him of 1 per cent, of which the scheme of the Chancellor of the Exchequer takes no notice; and then the Chancellor of the Exchequer chooses that moment to lay on an additional tax upon the means of his subsistence; and here, Sir, comes the real objection to the measure. If the Chancellor of the Exchequer is to have a prior claim, he must have the power of enforcing the sale of the land to satisfy it; and if so, what will become of trust, of settlements, of entails, and finally, of primogeniture itself? Sir, I cannot but look upon this as a measure of the utmost danger—the point of the wedge which is to rend asunder the present state of the landed property, and to fuse it into the same mass of misery and discontent which has been the real cause of the revolutions which have devastated Europe. It is now, Sir, time for me to close these remarks. I have only to observe, that I cannot but regard this Budget as the *vœ victis* to a vanquished party, the expression of the triumph of the Ministry over their opponents. It will be observed that whilst a fresh burden has been laid upon the land, the former taxes, repeatedly declared to be obnoxious and indefensible under the principles of the modern and even the ancient commercial system, have been continued; for instance, the malt tax and the hop duty. The first of these is a tax levied on an article the produce of the land, higher in amount than any other except, perhaps, that on tobacco and tea, the latter of which is to be reduced. And this tax is to be increased by the new scale of maltster's licences. It has been indeed declared to be a question for the labourer. I cannot conceive how any question which affects the labourer does not affect the farmer, and if the farmer, then the landlord also. The hop duty I need not dwell upon, for that has been declared by all parties of every shade of opinion to be utterly indefensible. And, finally, Sir, as if to complete the parallel with the ancient Roman tale I have alluded to, it is announced to us that the sword of a dissolution is to be thrown into the scale if we resist.

MR. FORTESCUE said, he must express his admiration at the plan brought forward by the right hon. Chancellor of the Exchequer, and of the able speech by which it was introduced. He only rose to say one word as to the extension of the income tax to Ireland. He did not mean to enter into any discussion with the hon. and learned Gentleman the Member for Kilkenny county (Mr. Serjeant Shee), as to the duties of Irish patriotism, or to insinuate in the slightest degree that the hon. and learned Serjeant had any improper motive for the course he took; but there were other considerations to be taken into account by Members who were charged with the responsibility of deciding what was really for the interest and honour of the country generally. Nor, though it might be one mode of obtaining popularity, did he think the duties of an Irish Member solely consisted in refusing assent to a fair share of Imperial taxation for Ireland. He most sincerely said, that if he could have made up his mind that the scheme would press unfairly upon his constituents, nothing would have induced him to support it; and if he had been able to satisfy himself that there were fair grounds for refusing on their behalf the obligation of the additional burden to be imposed on them, he should certainly have refused it. He had listened with the greatest possible attention to the speech of the right hon. Gentleman the Member for Portsmouth (Sir F. Baring); but he regretted to say that it had not supplied him with any convincing arguments against an Irish income tax, which both personally, and for the sake of his constituents, he should have been glad to hear. The right hon. Gentleman's benevolence appeared to him to be like that of many excellent people, which partook of the nature of a crotchet; and he must say that the over-sensitiveness displayed by the right hon. Gentleman on the subject of Irish taxation was not shared by a very large number of liberal and candid Irishmen, nor by many members of the Irish press. The right hon. Gentleman had said much as to the justice and expediency of making equal remissions of taxation both for England and Ireland; but he would ask if it was possible to remit a tax which was not paid by Ireland at all? If a fair comparison was to be drawn, they must look at the respective amounts of the taxes paid by both countries during terms of years. Ireland had enjoyed comparative freedom from taxation during a long period for which it had pressed heavily on England. As to the consolidated annuities, it was not fair to pooh-pooh the value of the remission; in his opinion the sweeping away of those annuities was the greatest possible boon and blessing to those parts of Ireland which needed it most. The relief would be felt by the owners and occupiers of land who had borne the brunt of the famine taxation, and more particularly in those districts which had gone through most suffering. He would remind the hon. Member for Roscommon (Mr. F. French), and other Members from the south and west of Ireland, that although the pressure had not been so severe in Louth and other northern counties, still every farthing of the annuities that was due had been paid by his county, which was not the case in the districts of which he spoke. He had listened to the speech of the hon. Member for the West Riding (Mr. Cobden), and he felt utterly unable to answer that appeal from Yorkshire to Ulster: which, coming as it did from one who had the strongest sympathy with the popular party in Ireland, and was ever ready to assist them in every claim they made for equal rights, he thought was deserving of the serious consideration of Irishmen. With respect to the occupiers of land, let it be recollected that no Irish tenant would be liable to the income tax, unless he paid rent to the amount of 200*l.*; and those whose rent exceeded that amount were chiefly the graziers, who at this moment were doing well, from the high prices of Irish stock. The additional burden would be laid on a variety of other classes who were better able to bear it, who had suffered least during the famine, and who had gained most by the cheapening of the necessaries and comforts of life. He could not refuse, on the part of his countrymen, to bear a fair and equal share of Imperial burdens, which he believed would hereafter give them a better and stronger claim to share in Imperial privileges. In voting, then, for the Resolutions of the Chancellor of the Exchequer, including that for the extension of the income tax to Ireland, he believed he did what was best for the real interest as well as for the honour and credit of Ireland, and of his own constituents.

The Marquess of GRANBY: Sir, however reluctant I may be to trespass upon the attention of the Committee, I am anxious not to give a silent vote upon the proposition before us. In the language of the hon. Member for the West Riding (Mr. Cobden) we have all our explanations to make on this question. I have always stated my opinion that the income tax is an unfair, an unequal, and an unjust tax; and that opinion, so far from having been altered, has been confirmed by what has occurred in the course of the present debate. Sir, I have the authority of the right hon. Gentleman opposite (the Chancellor of the Exchequer) for the soundness of that opinion. I agree in all that right hon. Gentleman observed in the course of his able statement the other night, as to the effects of that tax; but although I agree with his statement, with his arguments, and with his facts, I am sorry that for that very reason I am compelled to dissent from his conclusion. I agree with him that it is a tax which you cannot make fair, equal, or just; that if you make the attempt to improve it you will get into a quagmire which will endanger the public credit, and put in peril a tax to which you must have recourse in times of danger and difficulty. Sir, what is the natural inference to be drawn from the statement of the right hon. Gentleman on this point? Why, that as soon as possible you should get rid of so odious, so oppressive, and so un-English a tax. That certainly appears to me to be the natural conclusion to which he comes. What, then, does the right hon. Gentleman do? Why, he extends the tax for a longer period than it has ever yet been imposed before. For this reason I oppose the proposal of the right hon. Gentleman. It is true, he says, that at the end of seven years the tax will expire altogether. It is true also that the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) says, that opposed as he is to the income tax, he will support it for seven years. No doubt that right hon. Gentleman has fairly and candidly expressed his wish to abolish the tax if he were in office; but whether we shall see him Chancellor of the Exchequer at the end of the next seven years, is, I think, a question, notwithstanding his genius and his talents, very problematical. But suppose he were in office, I ask him, how is it possible, for me to state that the opinion I might hold in 1853 I shall hold in 1860? Who can say what may happen to render a tax now deemed odious a very proper tax? The hon. Member for the West Riding said he wanted to know why the income tax was to be looked upon as a tax kept solely for war, when all other taxes—the Customs and Excise—were continued in war and in peace? The hon. Gentleman says the income tax is as good a tax, and as little open to objection, as the Excise and Customs? Now I do not defend the Excise duties—I never have. I should be very glad to see the hon. Member voting for a repeal of the malt tax; and if he is so fully convinced of the frauds arising from these Excise duties, I trust he will vote for their remission whenever the subject is again brought before the House of Commons. We know, Sir, the Customs duties are being gradually repealed, and that the smuggling of which the hon. Member so much complains is diminishing. The hon. Member (Mr. Cobden), however, will admit, I think, that he did not succeed in making out his case satisfactorily. For he afterwards said, "I admit these frauds do occur under the income tax, but I know a way of getting rid of them." The hon. Member also recommended the American plan of assessment, and said there was less fraud in the United States than in England. Immediately afterwards the hon. Gentleman admitted that his constituents in the West Riding principally objected to the tax on account of its inquisitorial nature; that they objected to having their books overlooked. His plan would, however, force them to open their books to the assessors, and subject them to the very investigation to which they so much objected. The Chancellor of the Exchequer had very clearly shown the other night that personal incomes and incomes derived from real property were very much on a par; and he concluded by saying that whereas real property was taxed at 9*d.* in the pound, personal property was charged only 7*d.* But having established this fact, what does the right hon. Gentleman propose to do? Why, his next step is to overturn the balance by putting a duty of 2,000,000*l.* in the one scale, and nothing in the other. Surely if the right hon. Gentleman is correct that land is assessed at 9*d.*, whereas trades are assessed at 7*d.*, it cannot be fair, on that ground, to impose a legacy duty, and impose on the land 2,000,000*l.* more than it bore before. By such a course the right hon. Gentleman cuts the very ground from under him. If he proposed the legacy duty independently of the income tax, it might be fair; but seeing the local burdens upon land, which he has himself admitted—seeing the great burden imposed upon land with regard to transfers—a burden so ably pointed out by a noble Lord below me—seeing also that the land tax is paid instead of legacy duty, I ask the right hon. Gentleman whether he thinks it fair and just to impose this tax concurrently with the income tax? Agreeing in the arguments of the right hon. Gentleman, I dissent from his conclusion; and I dissent also as to the fairness and the justice of placing an additional tax of 2,000,000*l.* a year on land.

Sir CHARLES WOOD said, that after listening with great patience to the two nights' debate which had taken place upon these Resolutions, he found it utterly impossible to reconcile the Amendment of the hon. Member for Hertfordshire (Sir B. Lytton) with the speeches which it had been delivered in its support. There were two classes of persons who had objected to the Budget: one class—that of the landowners—was fairly represented by the noble Lord who had just resumed his seat, and urged that the pressure of the Budget upon the land was very unfair; while the other consisted of the Members from Ireland, who objected to any extension of the income tax to that country. But did the Amendment object to the extension of the income tax to Ireland, or say one word as to the unfair pressure of the Budget upon the land? On the contrary, it said, "Do not extend the income tax either to people with incomes between 100*l.* and 150*l.* per annum, or to Ireland, unless you make a distinction in favour of trades and professions." If, then, the noble Lord (the Marquess of Granby), and those who sat near him, voted for the Amendment, they would, while representing the Budget as bearing hard upon the land, be voting that a further boon should be given to trades and professions, thus rendering the taxation of land more unfair and unequal than it was at present. In fact, so far as the Amendment went, it entirely negatived the views of both the classes who supported it. If he might tender advice to those who conscientiously represented the landed interest in that House, and who would not allow themselves to be led away from that object by the mere desire to put the Government in the minority, he should say to them, "Accept the Budget of my right hon. Friend as he has proposed it, and do not vote for an Amendment which will make your own case worse than it is at present." Now he was himself a landowner, and nothing but a landowner. But, at the same time, he did not concur in the view which many landowners took of their own interests, for it was his conviction that they were so intimately connected with the well-being of the trading, mercantile, and manufacturing population, that these classes could not prosper without the landowners deriving benefit. When he spoke, therefore, in argument of the peculiar interest of the landowners, he must be understood as adopting for the moment the view which the representatives of the landed interest took of the subject, and not as speaking his own. That class had frequently neglected advice tendered to them by those who sat upon that (the Ministerial) side of the House; but had they derived much benefit from pursuing such a course? They rejected with scorn, in 1841, the proposal of his noble Friend the Member for London (Lord John Russell) for a duty of 8*s.* per quarter on corn, and the consequence was that five years afterwards they found themselves without any duty at all. An hon. Member had complained that no attention had yet been paid to the subject of the peculiar burdens on land; but he remembered a proposal which their able leader the right hon. Member for Buckinghamshire (Mr. Disraeli) made four years ago, with especial reference to the burdens on land. That proposal went to increase the income tax to such an extent that he (Sir C. Wood) had no difficulty at the time in showing that if it had been carried, the burdens upon land would have been very materially increased. The proposition of the right hon. Gentleman, in his Budget of last autumn, was no better as regarded burdens on land. He relieved land from none of the peculiar charges upon it; and in his scheme for revising the income tax his plan was, that the land was to pay 7*d.* in the pound down to 50*l.*, instead of down to 150*l.*, and to let off trades and professions with 5¼*d.* in the pound. The Government of the noble Lord the Member for London (Lord J. Russell) resisted the first proposal, and saved the landed interest in spite of itself; and in the same way, by rejecting the Budget of last autumn, we prevented a distinction in the rate of tax very dangerous to land and other real property, being made in the income tax. The fact of the burdens borne by the land was one of the grounds on which he (Sir C. Wood) resisted the proposals to reduce the income tax on trade and professions, as unfair, unjust, and impracticable. It had been said that the country would try the merits of the present Budget by comparing it with that propounded by the late Chancellor of the Exchequer. Looking, then, at the matter simply as a landlords' question, he had no hesitation in saying that the proposal of his right hon. Friend was more beneficial to this class than that which was laid before them by the right hon. Gentleman opposite (Mr. Disraeli). The noble Lord (the Marquess of Granby) said, that if it was admitted that the land was more heavily taxed than trade and professions, it was monstrous to impose a uniform rate of 7*d.* in the pound upon both for seven years. But if an equal rate was unfair, would it not be much more unfair to levy 7*d.* in the pound upon incomes derived from land, and only 5¼*d.* upon those arising from trade and professions? But this latter proposal was that contained in the scheme of the right hon. Member for Buckinghamshire. The noble Lord said that it was absurd to suppose that the income tax would be taken off at the end of seven years. But the Budget of the late Government did not fix any period whatever for the termination of this tax. As far as he remembered, the right hon. Gentleman (Mr. Disraeli) said that he proposed to renew this tax for the usual term of three years, subject to a renewal of it at the end of that time. Was there any hope or expectation held out that the income tax would then be done away with? None. But what was more to the purpose—was any step taken with regard to the tax that afforded the slightest prospect of its being taken off? Not one. Now, not only did his right hon. Friend the Chancellor of the Exchequer assure the House of his intention to take off the tax in 1860, but he showed them how it might then be in their power to do so. No such proposal, however, was made in the Budget of the late Government. No one acquainted with the state of the finances of the country could possibly anticipate that the income tax could be taken off before 1860, without the imposition of an immense amount of taxation to make up the deficiency that would in that case be created. The right hon. Gentleman opposite proposed to reduce the tea duties, and in that proposal he had the cordial support of Gentlemen on that (the Ministerial) side of the House. But there was in his Budget no proposition to impose such an amount of other taxation as would, even by 1860, have afforded the slightest probability of repealing the income tax. His right hon. Friend the Chancellor of the Exchequer, however, showed that from the produce of the succession tax, and by the falling in of the 3¼ per cents and the Long Annuities, there was a probability—nay, perhaps, an actual certainty—that these two sources of income on the one hand, and diminished expenditure on the other, would furnish the means of totally repealing the income tax in 1860. He ventured to say, therefore, that no man, acquainted with the finances of the country, could hold out a hope of any earlier remission of that tax. The proposal of the Chancellor of the Exchequer was the best for the land, combined as it was with the certain possibility of the tax being taken off in 1860. The proposal of the right hon. Gentleman opposite, in December, on the other hand, contemplated the renewal of the income tax upon terms disadvantageous to the land without promising its repeal at all. Indeed, so far as he remembered, the right hon. Gentleman proposed to extend the tax to incomes derived from land of 75*l.*— [Lord JOHN RUSSELL: To 50*l.* from real property.] Yes, the proposal of the right hon. Gentleman was to extend the income tax of 7*d.* in the pound to all incomes from land as low as 50*l.* per annum, whilst the proposal of his right hon. Friend the Chancellor of the Exchequer was to extend it only to all owners of land having incomes from 100*l.* to 150*l.* at the rate of 5*d.* in the pound. He left the noble Lord opposite (the Marquess of Granby) to say which of the two proposals was the most favourable to land. But it was said that in comparing the two propositions the duty on successions must be taken into account. Well, he (Sir C. Wood) did take them into account, and he would ask any owner of land whether he thought a different rate of duty on the income tax was a better bargain for him than the imposition of the succession duties? If he did, he made the greatest possible mistake. What was called the scheme of the actuaries for the revision of the income tax, he believed that nearly everybody now admitted to be utterly impracticable. The most feasible scheme for altering the tax was that of imposing different rates of duty on incomes arising from different sources; but if a distinction were made between land and trade, there must in justice be a further distinction between trades and professions. No man, however, could say where these distinctions would stop, for there was no intelligible or defensible ground on which they could rest any particular rate of difference, nor did he see where they were all sure of stopping until the tax amounted altogether to one upon the owners of property, and the tax upon all other income was entirely given up.

THE MARQUESS of GRANBY said, that so far as the right hon. Baronet was referring to his observations, those observations were made when the question related to the house tax.

SIR CHARLES WOOD said, no doubt the actual vote was upon the house tax, but the debate took a much wider range. At all events if hon. Gentlemen were prepared to say that there should be a difference between property and trades and professions, it was far better that the distinction should be made by means of a different tax, and not by a different rate of assessment for the same tax. There was also the further advantage in the Budget of his right hon. Friend the Chancellor of the Exchequer, that it finally regulated the succession duties. It would certainly be impossible to maintain the present system much longer, for, as the hon. Member for West Surrey (Mr. Drummond) had shown the other night, it was unfair to retain the existing distinction between personal and real property. The proposal of his right hon. Friend, as it stood, was clearly for the benefit of the land; it was much more favourable than the proposal made in December; and he recommended the owners of land to close with the bargain at once. He would remind hon. Gentlemen opposite that even in the last Budget they would not have escaped the succession tax, for the right hon. Gentleman (Mr. Disraeli) said the Government were prepared to bring forward duty upon successions that would remove existing anomalies and reconcile contending interests. By reconciling contending interests, he apprehended the right hon. Gentleman to mean that personalty and realty must be put upon the same footing. This is what is now to be done. The right hon. Gentleman did not propose to effect the reconciliation between contending interests, by repealing the legacy duty, because he distinctly said what he proposed was to modify the succession duties. Did the noble Lord (the Marquess of Granby) now think that a succession tax, and a difference in the rate of income tax against land, with no hope or expectation or purpose of its termination, and no measure to render its termination possible, was a better proposition for the land, than the proposal made by his right hon. Friend the Chancellor of the Exchequer for an uniform rate, with no disadvantage to the land, combined with a succession tax, but with a certain provision that if Parliament so willed, the income tax might be abolished in 1860? Considered only with respect to the interests of the land, and omitting the considerations arising out of regard for the welfare of the people, there could not in his opinion be a moment's hesitation as to which proposition was the most favourable to the land. The noble Lord and others had stated that the plan of his right hon. Friend would impose a burden of 2,000,000*l.* upon land. It would do nothing of the kind. What his right hon. Friend proposed was, that all property, whether passing by will or by deed after death, should pay the duty the same as personal property was now subject to. At present a large amount of personalty passed by deed and not by will, the ingenuity of lawyers having provided means whereby the legacy duty might be evaded. He would not use the strong term of fraud to these transactions; certainly the legacy duty was evaded, but the result of his right hon. Friend's proposal would be to impose upon all personalty passing by deed and not by will only, as well as on real property, a succession tax. Hon. Gentleman were aware that there was one description of personal estate, which was now put in an unfair position; and that was leasehold property. Leasehold property paid all the burdens of land in poor-rate and local taxation, stamp duties, and, besides this, the probate and legacy duties. Nothing could be more unfair than that this one description of property should be subject to disadvantages from which other real and personal property were exempt; but his right hon. Friend proposed to remedy this injustice by placing leasehold property upon the same footing as real property, to which, in consequence of its local burdens, an advantage was to be given in the imposition of the new duty. He trusted that he had now disabused the minds of hon. Gentlemen of two misapprehensions: the first that the whole additional sum of 2,000,000*l.* was to be raised exclusively on land; and the other that the local burdens upon land were not to be considered in the application of this new succession tax. So far, then, as the income tax and the succession tax went, taken together, he had not the slightest hesitation in saying that he thought the proposition of his right hon. Friend was far more favourable to land than that of the late Chancellor of the Exchequer. Beyond this the landed gentry had the additional advantage of the proposed modification of the assessed taxes, and they were the persons who kept the greatest number of servants, horses, carriages, and dogs in the Kingdom. He now came to the second class of persons who had objected to his right hon. Friend's proposals, namely, the Members for Ireland. Now he would beg to remind them that the Amendment for which they were about to vote, did not in any way prevent the extension of the income tax to Ireland, The hon. Gentleman the Member for Roscommon (Mr. French) had referred to the opinion which he (Sir C. Wood) expressed in December last, that he was not then prepared to extend the income tax to Ireland. The argument now used was that Ireland should be treated as Scotland and Wales. But they did not pay less taxes than England; and if the principle of his hon. Friend were to be carried out, and Ireland was to be what was called an integral portion of the Empire, she could not expect to be exempted from any taxes which England, Scotland, and Wales paid. He quite admitted that in December last he had stated that he was not prepared then to extend the income tax to Ireland; and if the circumstances were the same, and there were no compensation for the imposition of the income tax, such would be his opinion now. And further, if there had not been given to Ireland that which he considered to be a far greater benefit than the income tax would prove a burden, he would not support it now. But he believed he could show that the course which he was taking now was consistent with what he had done then. The Budget of the late Chancellor made no provision for the consolidated annuities.

MR. DISRAELI: I beg pardon—I gave notice of a Resolution upon the subject at that time.

SIR CHARLES WOOD: But the right hon. Gentleman said he would not be bound by the recommendations in the Report of the Committee of the House of Lords. He appealed to the hon. Member for Mayo (Mr. G. H. Moore) on this subject. The hon. Member concurred with him (Mr. C. Wood) in the opinion that the proposition to extend the income tax to Ireland as contained in the late Budget, necessarily involved its extension to landed property, and that there was no intention on the part of the Government to remit any portion of the consolidated annuities. The hon. Member for Mayo, in December last, spoke of "the contemptuous refusal of the Government to accede to the recommendation of the Committee of the House of Lords on the consolidated annuities—a Committee fraudulently set up for electioneering purposes; and audaciously disregarded as soon as those purposes had been secured." This certainly confirmed what was his (Sir C. Wood's) impression of the intentions of the late Government. Now with respect to the imposition of the income tax in Ireland, what had he (Sir C. Wood) said? He had never argued against the imposition of the income tax in Ireland on principle. Quite the contrary; he had said the time might come when it would be right and proper to impose it in that country, but that, weighed down by the poor-rate and the additional taxation which fell on them in consequence of the famine, the Irish were not then in a position to bear it. He was asked, was there any reason why Belfast, which had never been distressed, should not pay the tax as well as Liverpool? The reason was this: that inasmuch as other parts of Ireland were exempted on account of their extreme poverty, Belfast was also excused because she had the good fortune to be in the same country with the distressed districts. If those flourishing places, however, had enjoyed the exemption for some years in consequence of the distress that was prevalent in the western parts, and if the reason for not imposing it upon the distressed parts had now passed away, surely there could be no claim for the exemption of any part of Ireland from that tax. He would now endeavour to show the gain which would result to Ireland from the abolition of the consolidated annuities, and the imposition of the income tax in their room. In the first place, how stood the capital account? The capital converted into annuities at the time when the conversion took place, was 4,440,000*l.*, but the annual charge was one that in most cases would last for forty years. The actual charge in Ireland, as stated by the Lords' Committee, was a sum amounting, with interest, to 7,731,000*l.* Now, what was the actual amount of the income tax that would be taken from Ireland between this and 1860? The whole amount would be 2,690,000*l.*; which, deducted from the capital account of the consolidated annuities, showed a gain to Ireland of 5,041,000*l.* This applied to the whole of Ireland; but let them look to the relief that would accrue to the more distressed parts of that country. At present the rates were paid on rents as low as 4*l.* a year, one-half by the tenant, and the other half by the landlord, and they were paid by the owners of land on the annual value of their property, without any deduction from encumbrances. In the assessment for the income tax the landlord would be entitled to deduct all the charges on his land, and all occupiers would be relieved up to 200*l.* For the sake of the calculation he would take 7*d.* in the pound on the whole rateable property in some half-dozen of the most distressed unions, and see what would be the immediate relief to them of a change from the consolidated annuities to the income tax. In the union of Castlebar the consolidated annuities payable came to 2,651*l.* a year, the income tax to 995*l.*; in that of Galway the consolidated annuities came to 3,293*l.*, the income tax to 1,767*l.*; in that of Oughterard the consolidated annuities came to 1,542*l.*, the income tax to 333*l.*; in that of Scariff the consolidated annuities came to 2,366*l.*, the income tax to 635*l.*; in that of Skibbereen the consolidated annuities came to 2,080*l.*, the income tax to 1,200*l.*; in Skull the consolidated annuities came to 934*l.*, the income tax to 367*l.* In all these cases the consolidated annuities, the larger sum, were payable for forty years; the income tax, the smaller, for but seven years, while there was a very great reduction in the amount—the consolidated annuities in forty-five of the most distressed unions amounting to 83,164*l.*, and the income tax to 42,000*l.* In the county of Mayo the consolidated annuities were 10,304*l.*; the income tax would be 3,775*l.* In Clare the consolidated annuities were 19,590*l.*; the income tax would be 6,360*l.* showing a gain for the first year of 13,230*l.*, and in seven years a gain of 100,000*l.*; consequently that part of Ireland which was burdened by these debts must find this arrangement most advantageous, not only as regarded the amount remitted, but still more as that small part which was to be levied would be levied on the landlord instead of on the occupier. He had never said that those portions of Ireland that were not pressed down by this excessive taxation had any claim on us; nor did he know why a merchant of the town of Belfast should not pay as well as a merchant of Liverpool; an inhabitant of the county Down or Wicklow as much as an inhabitant of counties here. As to the income tax generally, then, he said that its imposition was no hardship, but a relief when accompanied by a remission of the payment of the consolidated annuities. As to the spirit duty, that stood on a very different footing, and he had always thought that both in Ireland and Scotland Government had the right to charge as much duty as they properly could, the only point at which they were called upon to stop being where to charge higher would be to give actual encouragement to illicit distillation. In resisting on former occasions the allowance for decreases in bond, he had always warned the Members who pressed for it that if ever it was conceded it must be accompanied by an increase of duty; and as this was now to be done, he did not think any valid argument could be urged against the increase. Taking the Budget altogether, he agreed with the hon. Members for Montrose (Mr. Hume), and the West Riding (Mr. Cobden), that the Committee must look at it as a whole, not only at each particular feature, and must bear in mind that whilst in so comprehensive a scheme modifications and suggestions might always be made, there were such very great and substantial benefits conferred by this Budget as ought not to be imperilled by too minute criticism of details. He reckoned the repeal of the soap tax, for instance, as a very great benefit indeed. He could not understand upon what principle it was that the repeal of the soap duty was considered as an exclusive boon to the manufacturers, as though that was the only class which used that commodity. If there was one article which more than another entered into general consumption, it was this article. The effect of the reduction of the duty on soap would be to reduce the price of the article by considerably more than the amount of the duty taken off, as well as to give increased employment in its manufacture, and in the export trade of the country. The reduction of the duties on tea, butter, cheese, and other articles, would also prove of great advantage; and he did not anticipate, after the decision of hon. Members opposite in favour of the extension of the principle of unrestricted competition, they would have any objection to offer to that portion of the proposal in the Budget. These reductions would prove of great advantage; they could not, however, be obtained unless the means were provided for keeping up the revenue, either by increasing the taxation of those who already paid, or by extending taxation to those who did not now pay. With respect to the income tax, although perhaps liable to some objections, it had during its existence been the means of enabling the Government to abandon that system of protection which had been so mischievous to the country, to relieve the springs of industry, to repeal and reduce duties upon various articles of consumption, and thus promote the welfare and wellbeing and peace of the country. The continuance of the tax for a few years longer would enable the Government to take another great stride in the same direction, and when that duty was performed, the income tax might be well laid aside for use when other occasions might require it. Referring to the resolutions agreed to almost unanimously by that House in favour of the policy of extending the principles of free trade, he would conclude by expressing his confident opinion that when the Committee came to a vote upon the subject, the proposals of his right hon. Friend the Chancellor of the Exchequer would meet with the support and sanction of the Committee.

Mr. G. H. MOORE moved the adjournment of the debate.

House resumed; Committee report progress.

SHERIFF COURTS (SCOTLAND) BILL.

Order for Committee read.

The LORD ADVOCATE moved that this Bill be referred to a Select Committee.

Mr. CRAUFURD said, he had the following Motion on the paper: On the question being put, that Mr. Speaker do now leave the Chair to go into Committee on the Bill, to move, "That, in the opinion of this House, no measure of Sheriff Court reform will be satisfactory to the country which does not proceed on the principle of abolishing the present system of double Sheriffs." He must therefore complain of the course now taken by the Government.

LORD JOHN RUSSELL said, the Bill would be referred to a Select Committee, for the purpose of making some improvements, and moulding it into a proper shape. He hoped the hon. Gentleman would reserve his objections for a future stage.

MR. HUME said, he thought the best course was to refer the Bill to a Committee upstairs, where fresh evidence might be received. The people of Scotland took a deep interest in this measure.

MR. COWAN said, he could confirm the statement of his hon. Friend the Member for Montrose as to the deep interest which the people of Scotland took in this question. He would also venture to protest against the manner in which Scotch business was generally treated in that House. It was very unfair, whilst the other business of the Empire was so fully discussed, that Scotch business should be thrown over until one o'clock in the morning. He hoped the Government would consent to give a morning sitting for the consideration of this very important measure.

MR. FORBES MACKENZIE said, he regarded the right hon. and learned Lord Advocate's as an excellent Bill, and he would give it all the support in his power; but he would recommend him not to send it to a Select Committee, who would take evidence upon it. He was sitting in a Select Committee upstairs upon two Bills of different principles, and the experience he had gained there certainly would not lead him to recommend the Lord Advocate to take a similar course with the present Bill. He objected to the course suggested by the hon. Member for Montrose, which, if adopted, would probably end in their losing the Bill altogether.

The LORD ADVOCATE said, that ample time had been given for the discussion of this Bill, and that the course which he now proposed with reference to it was that which he had all along led the House to expect he would take. He did not think that injury would result to any party by referring the Bill to a Select Committee, and he hoped the House would sanction that course.

MR. JOHN MACGREGOR said, if he might judge from the communications with which he was deluged every morning on the subject of the Bill, he was inclined to think that nothing since the Free Church question had agitated the people of Scotland so much as the reform of the Sheriff Courts. He believed that they would never be content until they had abolished the office of Sheriff principal. Any Bill which did not effect that object would fail to give satisfaction to the Scottish people.

MR. E. ELLICE said, he believed that the Bill, now that it had been amended and remodelled, was viewed with great favour in Scotland, and he hoped that it would become law in the course of the present Session. He thought that the Lord Advocate had conciliated public opinion in Scotland to a great extent in favour of his measure. He deprecated, however, sending the Bill to a Select Committee, with permission for them to send for evidence, which would delay the measure until a period of the Session when it would have little chance of passing.

MR. DUNCAN said, he willingly admitted that the Bill had been greatly improved since its first appearance in that House; but unless a clause were introduced for the abolition of the double shrievalty, he believed that it would be inoperative of good, and even productive of mischief. Such also was the opinion of the magistrates and town council of Dundee.

COLONEL BLAIR begged to express a wish that the Bill should be referred to a Select Committee; in a few days meetings would be held in various parts of Scotland, at which an opportunity would be afforded to the people of that country of expressing their opinion on the subject.

COLONEL LINDSAY said, he thought there could be no possible objection to the course proposed by the right hon. and learned Lord Advocate—that of referring the Bill to a Select Committee. The measure was, no doubt, one of considerable interest to the people of Scotland, and it was desirable that their feelings with respect to it should be clearly elicited; but he did not think that the progress of the measure need be retarded on that account, inasmuch as in two days from the present time meetings would be held in all part of Scotland, at which the provisions of the Bill would be accurately canvassed, and the opinions of the country at large distinctly ascertained.

MR. BOUVERIE said, he was also of

opinion that there should be no further delay in referring the Bill to a Select Committee. The Committee once appointed, it would be competent for any Member to move that they be empowered to take evidence, and send for papers if necessary.

Mr. EWART said, he was disposed to view the Bill with favour, but hoped that during its progress an opportunity would be afforded of settling that question, which had excited a greater interest than almost any other modern one in Scotland, namely, whether there were to be double Sheriffs.

The LORD ADVOCATE said, that when the Bill was under the consideration of a Select Committee, there would be ample opportunity for the consideration and settlement of that question.

Mr. CRAUFURD said, that he would therefore give notice that, when the Committee was appointed, he should move that they be empowered to take evidence, and send for papers if necessary.

Order *discharged.*

Bill *committed* to a Select Committee.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, April 29, 1853.

Minutes.] *Took the Oaths.*—Several Lords.

Public Bills.—1ª County Election Polls (Scotland).

2ª South Sea and other Annuities Commutation.

JEWISH DISABILITIES BILL.

Order of the Day for the Second Reading read.

The Earl of ABERDEEN: My Lords, I have now to move your Lordships to give a second reading to the Bill for the relief of Her Majesty's subjects professing the Jewish religion. The subject has already so much engaged the attention of your Lordships, and has been so fully discussed in this House, that it would be difficult for any man, and certainly impossible for me, to attempt to place it before you in any new point of view. Before, however, I proceed very shortly to remark upon the principle involved in this Bill, and to offer a few observations in its support, I am desirous of adverting for a few moments to the position in which its present advocate stands. When this question was last before the House, two years since, although taking no part in the discussion, my vote was given against the measure of relief then proposed. Now, although I am not aware that a change of opinion on this subject necessarily calls for any remark, yet I am desirous of stating that the change of opinion upon my part took place more than a year since. In the month of January or February of the last year—certainly before the accession of the noble Earl opposite to office—I communicated to my right hon. Friend the present Chancellor of the Exchequer, then and now a Member for the University of Oxford, my intention of supporting the Removal of the Jewish Disabilities Bill upon the next occasion of its being brought forward in this House. I subsequently made the same communication to my noble Friend near me (the Duke of Newcastle), who now fills the office of Secretary for the Colonies. I wish to mention this circumstance, lest by any possibility it should be supposed that this change of opinion had any relation to recent political combinations, but with which it could not by possibility have anything to do. There is, however, less cause for remarking on such a change as this, because I apprehend the same change has also taken place in the minds of most of those who are now the most favourably disposed towards the measure. I apprehend that most of your Lordships in favour of the measure must recollect a time when your feelings on this subject were in a different direction, and it is natural that this should be the case. I look upon the feeling on this measure not as the result of argument or of reason, but as a matter of religious obligation, which, so long as it is felt to be well founded, must be stronger than all reason and all argument on the subject. I consider the opposition to the Bill, by which I was formerly myself actuated, as a remnant of that feeling which formerly prevailed throughout Christendom. In former times it existed, no doubt with greater intensity than at present, and was then turned to account by cruel men and atrocious tyrants, and by interested statesmen, for the purpose of persecution; but many who were engaged in the work of persecution no doubt did so in the sincere belief that they were doing God good service. I have no occasion now to speak of persecution among those who oppose the claims sought to be granted by this Bill; I suppose that the whole of your Lordships entertain and express feelings of good-will and kindliness towards persons of the Jewish persuasion. Yet it is my belief that this feeling of opposition to what I consider to be their just claim, to equal privileges with their fellow-subjects, is a remnant of that prejudice which in former times existed so strongly in every country of Europe. I look upon the prejudice against the Jewish nation as having arisen from the circumstance that the Jews were under the obloquy of a crime of inconceivable magnitude, and as having imprecated upon their own heads the curse which is to pursue them from that event. We have by our conduct made ourselves partakers of the Divine wrath, and have taken upon ourselves, more or less, to give effect to the decree of the Most High, and to carry into effect the vengeance of the Almighty. We should have remembered, however, that "vengeance was not ours," and that it was not for us to "repay;" that it was our duty to regard with kindliness and fellow-feeling our erring, it might be, fellow-creatures; to abstain from wrath, and mitigate our resentment. This country, at least in recent times, has proclaimed the absolute freedom of all religious opinion; we have declared that religious truth or religious error shall not be among us the test of any qualification for civil rights. The Jew, in this country, is the only person who is excluded from full civil and political rights in consequence of his religious belief. Unchristian and cruel as were those laws which persecuted our Roman Catholic fellow-subjects, still they were not founded upon their religious belief: they were mainly adopted as compendious tests of political belief, and in many respects were not inadequately chosen as indicating a political faith. But the exclusion of the Jews from civil rights is simply on the ground that he entertains a religious belief which we undoubtedly think most erroneous; still he is the only man who, in the present day, is proscribed in consequence of his religious opinion. Now, the notion that by acting towards the Jew upon the principle of religious equality — a principle which we have fully adopted since the abolition of the Test and Corporation Act, more than twenty years ago, and the emancipation of the Roman Catholics which followed close upon that measure— the notion that by extending to the Jews the same privileges which we extend to all other persuasions, however they may differ from ourselves, is founded mainly—I think almost exclusively—upon this feeling, that we are doing something at variance with the Christian character of this country. The notion is, I think, one which cannot be supported even for an hour. Nor is it easy to understand how the argument is applied. My Lords, the existence of the Jews in this country is, *pro tanto*, an unchristianising of the nation. The only country that is consistent in this is Spain. No doubt, you may imitate the example of Spain, and, to be consistent, expel the Jews from your community; but to admit them among you, to confer privileges, rights, honours, a social condition, and even electoral privileges, and then to say their admission to Parliament would unchristianise the nation—I cannot clearly comprehend how this is to happen. My Lords, it is true, no doubt, that Christianity is a part and parcel of the law of the land; but your Lordships will recollect that, so far as Parliament is concerned, it is not Christianity only that has been the law of Parliament, but the Established Church also has been the law of Parliament; for you have had Parliament excluding various Christian sects, and by means of an Act of Indemnity you have contrived to admit Dissenters into the Houses of Parliament; but the principle of exclusion rested upon the circumstance of Parliament being exclusively a body composed of members of the Established Church of the country. Now, when that state of things no longer exists, I apprehend that in no sense can it be said that Parliament is exclusively a Christian Parliament, in the sense in which that term was wont to be used—that is to say, I mean there are modes of belief admitted into Parliament which are erroneous, though not so erroneous as that which is opposed to the Christian belief, but such as we should be sorry to recognise as anything but grievous error. Now, if we admit these —if we extend the admission to Parliament to persons holding opinions so grievous and so monstrous, I think the principle fails entirely of looking to this as a body exclusively Christian in its character. My Lords, you have not only admitted to Parliament modes of belief and persons entertaining doctrines most at variance with the persuasion of the State, but you have actually —although you have not unchristianised Parliament—unchristianised legislative bodies by Act of Parliament, which you have established by Act of Parliament; you have admitted Jews into the Legislature of Canada and the Legislature of Jamaica; and why you are to unchristianise those legislative bodies any more than this, I see no logical reason. The truth is, that you unchristianise neither the one nor the other;

for whether half-a-dozen Jews be in the Legislative Assembly of Canada or in the House of Commons, there is no difference in the Christian character of either body. After all, this exclusion which you value so much, your Lordships are perfectly well aware, rests only on accident. There is no law at this moment to exclude Jews from a seat in Parliament—none whatever. There is an oath the whole of which they are not able to take, and which I must say is one of the most unnecessary and useless oaths that can well be imagined. The Jews are ready to take this oath of abjuration in all its substance and essential character; all that they cannot take is an assertion, adding nothing whatever to the substance of the oath, but merely an additional asseveration to what they are ready to swear. My Lords, this, in many instances, you have dispensed with by Acts of Parliament; you have by various Acts of Parliament allowed Jews to take the oath of abjuration, omitting this asseveration. That is the mode in which you have extended the faculty of admission to your Colonial Legislatures—it is the mode by which you have, over and over again, permitted Jews to take that oath in this country. I say, therefore, this oath, which in all its substance and essential value they are prepared to take, you, in consequence of this addition, which is not binding on their conscience, prevent them from taking. I would ask any one of your Lordships if you would venture to enact this oath at this moment? I think I recollect, on a former occasion, a noble Friend of mine opposite—whom I see in his place, and therefore I will not name, but whom I will describe as being the very foremost in every good work—saying he took this oath as he found it, but that he would not be prepared to enact such a provision now. If my noble Friend would hesitate to enact such an oath, what becomes of the religious ground on which the exclusion of the Jews is based? If you would hesitate to enact such an exclusion now, surely the objection to the admission of the Jews ought not to be made to depend on the mere accident of this condition existing at the end of the oath. It has also been said that these persons do not in truth belong to our nation—that they are aliens, that they are a distinct people, and therefore have nothing in common with us, and hence ought to be excluded from our legislative assemblies. That they are, in one sense, a distinct people, is no doubt true, and they will continue to be so until their mysterious destiny is fulfilled; but that, in any common sense, they are anything but Englishmen, and not as good Englishmen as any among us, I utterly deny.

My Lords, you impose the burdens of Englishmen upon them—you give them the rights of Englishmen, and they act as Englishmen—I hold therefore this notion, that they are aliens, to be utterly untenable, and without any foundation. I recollect hearing a right rev. Prelate make use of an argument on a former occasion which struck me very much at the time, and has since impressed itself more strongly on my mind; it was this: that in excluding the Jews from Parliament, you are, in fact, inflicting a penalty upon Christian electors; that it is they who are injured, and that it was not from love to the Jews, but from a regard to the privileges of Christians, that the right rev. Prelate urged the admission of those persons. And this is the case; for if you confer electoral privileges not only on the Jews, but also enable Christian electors to select whom they please as their representatives, it is surely a hardship and an injustice to deny those persons the right of choosing any man, Jew or Christian, to represent them, not legally incapacitated. I do not know any legal incapacity in a Jew to be elected a Member of Parliament, and therefore to prohibit electors, whether Jews or Christians, to return persons of their creed and of their choice to Parliament, is decidedly an act of injustice to that body.

My Lords, I think it is always unwise for your Lordships, unless under very extraordinary circumstances indeed, to oppose yourselves determinedly and obstinately to the voice of the House of Commons in a case which peculiarly touches the institutions of that House. Now, on repeated occasions and in various Parliaments, confirmed by Parliament after Parliament, there have been decisions of the House of Commons on this subject. It is true that you need not fear on this occasion the pressure of popular agitation, or the dangers of civil war. There is no such fear, as I recollect hearing the great Duke, whom we have lost, declare in this very place, when he said that he assented to Catholic emancipation for fear of a civil war. Now, my Lords, certainly there is no danger of that. These are a weak people, small in numbers, peaceable in character, and easily controlled. But although there is no danger of civil war, your Lordships must allow me to say there is danger of a very serious collision of another kind. I say if you go on, year after year, refusing the just demands of the House of Commons in a matter in which their own body and composition are essentially concerned, you expose yourself to a risk which I should be sorry to see carried much further. My Lords, does any man suppose, although you may not have the pressure of that alarming motive to which I have referred, that this question can long remain without a settlement? My Lords, it is not in the nature of things. Whether it be by the progress of reason, or by the increasing demands of the other House of Parliament, you will be compelled before long to give relief to these persons. My Lords, I am the last man to refuse your Lordships that just prerogative of negativing any measure which is sent up from the other House for your consideration. Your Lordships do well to resist, when you find it right to do so; and at all reasonable times your Lordships have properly and wisely done so. But in this matter, which touches so nearly the character of the House of Commons and its composition, I do maintain that, although the law has invested you with the full and free voice to pronounce an opinion, yet that you will do well to be cautious how far you press your perseverance in this matter.

My Lords, believing as I do, and as I think all your Lordships in your inmost hearts must be fully convinced, that this is merely a question of time, more or less —and as I think not long—I do hope that we may on this occasion arrive at that stage in which we may see the prospect of a settlement of this long-agitated controversy. My Lords, I think the time has now come when we may cast to the winds this last rag of intolerance, and when we may make our practice conform to that principle of religious freedom which we profess to honour.

Moved—That the Bill be now read 2ª.

The Earl of SHAFTESBURY: My Lords, if anything could add to the importance of the discussion that now occupies the attention of your Lordships, it would be that the noble Earl who has just sat down, having for many years opposed these claims as a private individual, has now become, not only the supporter, but the propounder of them as the First Minister of the Crown. My Lords, a "city that is set upon a hill cannot be hid," and I doubt not that many of your Lordships will follow the example of so high a personage. But, my Lords, the gravity of the noble Earl's character, and the known sincerity of his heart, preclude me from making any observations upon that change; I will, therefore, only express a hope—nay, more, a belief—that the grounds upon which he will give his vote this night are as solemn and as true as those which he formerly entertained. Now, my Lords, I am astonished to hear that it can be said that the popular voice is in favour of this measure. Why, my Lords, the popular voice, to take it in the full extent of the term, is neither upon one side or the other. There is, upon the whole, a general apathy upon the question. Where any feeling is entertained in its regard, that feeling is deep and serious; but that feeling has not, however, pervaded the whole mass of the community. And I cannot do better to prove that position than by giving the last statement of the returns made by the House of Commons of the petitions for and against this measure. My Lords, it appears from these returns that the number of petitions for the removal of Jewish disabilities was 39, and the number of signatures 1,734; while against the removal there were four petitions, and 329 signatures. Again, for the alteration of Parliamentary oaths the petitions were only one, the signatures being 198; while against the alteration the petitions were 846, and the signatures 42,289—clearly showing that, so far as the national expression is concerned, there has been no national expression of opinion on one side or the other.

But, my Lords, a variety of arguments have been urged by the advocates of these claims, and I think it is desirable to call your Lordships' attention to a few of them in succession. Now, the first argument that we have is, that the Jews have a constitutional right to a seat in Parliament. I would undertake to argue that case with you, my Lords, if I thought that you really believed so yourselves, or that your opinions went to that effect; but this Bill which has been laid upon the table of the House, and must be taken as the embodiment of these opinions, so far from stating that, seems to me to state the very reverse. For one enabling clause you have a dozen disenabling clauses. For one privilege that you confer, there are eight or ten that you refuse. Now, just let me read to your Lordships the enactment which is proposed. By the 3rd clause you say that this Bill shall not allow any person professing the

Jewish religion to hold the office of Guardian or Regent of the United Kingdom, or to hold the office of Lord Chancellor, or Keeper of the Great Seal: under the 4th Clause, also, you disable them from a great number of offices: the 5th Clause prohibits Jews from presenting to benefices: and under the 6th Clause you restrain them from advising the Crown in reference to the Established Church. Now, my Lords, I maintain this, that if they have a constitutional right to seats in Parliament, they have also a constitutional right to all the privileges and consequences of the seats. And if they have those seats by constitutional right, and not by concession, there is no more justice in refusing them the privilege of exercising those great offices, to advise the Crown, or in fact to perform the duties of any appointment which Her Majesty may choose to confer upon them—there is no more justice in refusing them those privileges, than there would be in saying that they should not be bankers or lend money. The measure has taken a strange course—you are reversing your arguments. I remember, in the year 1847, it was urged that by their admission to corporate offices we had borne our part in allowing them legislative functions. We deny that. We maintain that the functions are in their nature diametrically different, and that we might entrust to them the one, but not the other. But you now reverse the order, and you say that they will be trusted with legislative functions, while you preclude them from a very large share in the executive. Well, my Lords, it is next asserted that this is demanded by all the principles of civil and religious liberty. So far as civil liberty is concerned, so far as it enacts that a man should be free in mind and body and estate, I believe we are all free enough in that particular. But as far as religious liberty is concerned, I see perfectly well, how, under this proposition, the Jew will have his civil liberty; but how are we to maintain ours? For if it be the principle of civil liberty that a man is to be tried by his peers, I hold it to be equally the principle of religious liberty that none but Christians should be allowed to make laws that may bind or affect a Christian Church. But, my Lords, we are also told that this is the last remnant of religious bigotry; it might have been so until this Bill was laid upon your Lordships' table. But see the number of remnants you have concocted, the number of last words to be uttered. There will be a fight upon each: for do you suppose that those who are candidates for seats in Parliament, that the Jews who demand admission into the Legislature, intend to be satisfied with the negative result of obtaining their wish of eligibility to Parliament? Do you think they have no ultimate views? Do you think that any spirited people will remain quiet until they have also gained eligibility to every office? Depend upon it that that is their ultimate view, and when the demand is made, how will you refuse it? It would be difficult enough for us—but for you it would be impossible. But it is a favourite argument that the words were not intended for the purpose which they now serve. It may be so; but then, while it is a fair and just argument for the Jews and their advocates, it produces no effect on their opponents' convictions. The words are there; I and my friends think they declare and sustain a great and sound principle—that in retaining them we assert that principle—that in withdrawing them we renounce it—and that even if our ancestors, by the insertion of those words, effected a result which they did not foresee, we will not, by the cancelling of those words, be parties to an objectionable result which we plainly foresee.

But to wind up the whole appeal—and it was an argument touched upon by the noble Earl—we are told that there can be no possible hazard in admitting a few Jews to the Houses of Parliament; that the Jews are few in number, without political aspirations and connexions to render them formidable:—and it is true that you must regard this people as few and feeble, though a deeply interesting race, and therefore in these respects they are neither to be feared or propitiated. But that greatly disencumbers the argument, and brings it to the level of a plain and simple principle, and in that situation I maintain that it becomes a million fold more serious. It is possible for us to estimate the results of political changes, and to make preparation against them; but it is not possible for any one to predicate the consequences of a wilful departure from a sacred principle. But the noble Earl says, will you, in the maintenance of that principle, continue to defy the recorded wishes of the House of Commons? To be sure we will. I am bound, my Lords, both by station and duty, to pay the greatest respect to the feelings and wishes of that august body;

but when they summon us to depart from a principle which we hold to be sacred—which we consider to be grounded upon the great truths of the religion we profess—I am ready to encounter any consequences of the indignation of the Commons, nor shall any power on the earth, or below it, turn me from the maintenance of that principle to the last hour of my existence.

Now, my Lords, I am taunted with having stated on a former occasion that if I were to find Jews admitted Members of the Legislature, then I should not be prepared to propose their exclusion. But, my Lords, I think I can justify to your Lordships the adoption of such a course; for I think there is a very wide difference between depriving a body of men who are exercising a right which they have long possessed, and conceding a privilege which has not before been granted—that there is a very wide difference between conforming to a state of things which you find, and for which others are responsible, and making the act your own by a specific principle of conduct on your own part. We maintain, my Lords, that the words "on the true faith of a Christian" assert the authority, the growth, and the predominance of Christianity; that it ought to be, if it is not, the governing rule and spirit of all our legislation; that it ought to be the professed belief of every one who undertakes to legislate for this Christian country. But you demand the removal of these words—and why? Because they are useless? No such thing. You never touched them when you were engaged in the abolition of useless oaths; but they were considered of value until such time as they were found to give offence, not to Christianity but to Judaism—to be an impediment, not in the way of the Christians, but of the Jews—of the Jews demanding a share in the rule and governance of a Christian State. Thus, to bestow on the Jew privilege and power to exercise an influence and give a vote on laws affecting directly the Church of England, and indirectly perhaps the whole Church of Christ—to allow him to riot and revel legislatively in the indulgence of that peculiar antipathy which is the character and distinction of his name and nation—we are summoned to suppress all mention of that Name which is our glory, our safeguard, and our strength. Well, my Lords, whose freedom is there concerned? I say it is ours. We are called upon to retreat before a man who tells you that his religion solely exists by the denial of yours; and that he must and will have a seat in Parliament, to possess at least the privilege of asserting that religion, and of making laws which will have an effect upon that religion which is the opprobrium of his race. The proposers, however, of the measure were good enough to offer an oath to be taken by the Jew. Now, my Lords, it is clear—and I must say that on the present consideration that oath is of no value at all—that it is a Parliamentary oath—and I would ask you to reflect for a moment, my Lords, upon the distinction between a Parliamentary and a judicial oath. The judicial oath altogether, or certainly for the most part, states the thing said or done, or to be done; a Parliamentary oath has reference, on the contrary, to a state of mind or to a course of conduct. We are required to know what is to be the governing principle and spirit of those opinions and of that conduct. We say "Christianity;" you say "no." You ordain us an oath, it is true, but you take from it all its characteristic force and validity. Now, my Lords, I do entertain a very deep and a very solemn objection to this mode of tampering with oaths for the purpose of meeting a special occasion. My Lords, I say it is irreverent, it is perilous. It is irreverent to twist and turn these solemn attestations to suit our political convenience; and perilous to exhibit to the people at large that we handle those declarations not for the great and solemn purposes of government and truth, but to serve the purposes of each theory as it arises. My Lords, I feel that it would be far wiser and better to require the repeal of the oath altogether. I speak, my Lords, seriously, with due reflection, and from the heart. I say it is better to repeal the oath altogether. If we are no longer to have a form of oath which implies that the profession of Christianity is essential to the character of the Legislature, then, I say, abolish it altogether. Some of your Lordships have been in the habit of arguing upon the inutility of Parliamentary oaths, inasmuch as they did not keep out Gibbon, Bolingbroke, and other sceptics. It certainly is true that Gibbon and Bolingbroke took the oaths, but in so doing they paid not a personal but the national testimony to Christianity. But if Parliament henceforward is not to be exclusively Christian, then I think we may as well get rid of these oaths altogether, and derive all the possible benefit we can from such a state of things. Why, look around you and see whether, if you repeal the oath, you may not be able to turn to account the state of freedom in which you will then find yourselves. See if you cannot bind by stronger ties our eastern dependencies and remote possessions. Why, my Lords, I can see no reason, if our Christianity is to be ignored, why a preference should be given as to Parliamentary honours to the Jew over Rammohun Roy, Dwarkanauth, Tagore, or any other Hindoo or Mahometan subject of Her Majesty, who may be desirous to represent the interests, the feelings, and sympathies of India; for by extending the privileges to them, you are thereby rendering more secure the loyal attachment of those Oriental subjects of the Crown. In affirming that Parliament should not be exclusively Christian, it is desirable to weigh fairly and deliberately the effect we shall produce on the nation at large. But admitting, for the sake of argument, the possibility of political benefits, by the large inclusion, and consequent satisfaction, of many discontented and restless spirits, are there no moral mischiefs to make us pause? It is nothing to declare that Christianity is good for a Gentile but useless for a Jewish Member of Parliament; that it is excellent in private life, but occasionally misplaced in public life; that the principles of the Christian faith to the character of the legislator were so utterly unimportant that when the Jew came to the table to be sworn, and protested against the name which his soul repudiated—the usage of many hundred years—the feelings and convictions of a vast majority of the realm, and the faith itself, were to retreat in silence before his imperious declaration? I confess, my Lords, this seems to me to be a very novel way of conferring a privilege. At various times Parliament has suspended these great principles of exclusion, but always on the ground that the parties admitted to the Legislature were eminent for their zeal in the cause of Christianity. The Houses of Parliament abolished the Test and Corporation Acts, and admitted the Dissenters on the ground that they were zealous in the cause of Christian truth. They admitted the Roman Catholics, who made the same protestation. They ignored the difficulties in the way of the Quakers, because they stood forward on the grounds of Christianity. But you are altogether reversing the order. The Jews are to be admitted, because they so stoutly deny what the others believe; because they are as fierce against the truth as the others are vigorous in their assertion of it. This argument appears to me so monstrous that I think many who are not antagonistic to the admission of the Jews, would shrink from doing so in such a mode as this. To effect their admission is a legislative declaration, every time the oath is taken, that Christianity is not necessary for the character or functions of the Legislature. We tremble, my Lords, at such a prospect as that. "Oh," it is replied, "Christianity, if it be true, can take care of itself." We know it can. But we are not sitting here to take care of Christianity, but to endeavour that Christianity shall take care of us. Measures such as these, my Lords, cannot expel religion from the earth, but they may destroy its existence in Great Britain.

My Lords, the noble Earl has alluded to a subject to which, from its solemn character, I will only solemnly refer in this deliberative assembly. He says that those who oppose this measure are animated with the spirit of the Middle Ages, which vented itself in bigotry against the Jews. Answering for myself, and I believe for many others, I say there cannot be in the whole range of human feeling anything further from our hearts than such motives. I cannot give a stronger proof, my Lords, than by asserting my deep, my solemn, my conscientious belief, confirmed by many devout and learned men with whom I have discoursed on this subject, that the Crucifixion—that inconceivable crime—was no more the act of the Jews than of the Gentiles; that the Gentiles were as guilty before God as the Jews, to whom it is imputed. My Lords, in resisting these demands, let me not, and those with whom I act, be looked upon as enemies to the Jewish people. All personal antipathy has long ceased. I assure your Lordships that there is no such feeling as that which broke forth against the Jews in 1753. We respect them (I can answer at least for myself and for many others); we remember their past, we contemplate their future. We see them to be now under a cloud, but hereafter to be the sovereign family of the human race. The difficulty is not in them, but in ourselves; not in our estimate of their inferiority, but in the depth and force of our own principles. I and my friends desire not to be harsh in language, or even in thought. We wish the Jews well, and would cheerfully give them whatever is ours to give; but when they—they or their advocates—authoritatively declare that, for the purposes of empire, all religions are alike, and, in order that they might enter on a Parliamentary career, demand the suppression of "that worthy name by which we are called," why, then we say, emphatically, "No;" and that we declare on "the true faith of a Christian."

The noble Earl then moved that the Bill be read a second time on that day six months.

Amendment *moved,* to leave out ("now") and insert ("this day Six Months.")

The EARL of ALBEMARLE conceived that when they saw a distinguished statesman stand up for the first time that evening in defence of their Hebrew fellow-subjects, and when they also had an expectation that some equally distinguished statesmen would raise their voices in favour of those people for the first time, such authorities ought to exercise due weight on such of their Lordships as had not yet recorded their opinions in favour of removing the disabilities from that class of their fellow-subjects. It was now two hundred years ago since the Protector Cromwell sought to relieve the Jews in England from a portion of the civil disabilities that affected them at that period; but that most Protestant prince was too enlightened for his time, and was unsuccessful in his attempt. Exactly one century ago—in that very month of April, but in the year 1753—an attempt of a somewhat similar nature was made. A Bill was introduced "for the benefit of our Hebrew fellow-subjects," and that Bill passed both Houses of Parliament, and received the Royal assent; but so powerful a clamour was raised against the measure that it was necessary to repeal it in the selfsame year. The Tories then occupied the Opposition benches—they were in disgrace with the country—and a general election was at hand, and they sought to regain the power they had lost by an appeal to the religious prejudices of the several constituencies—by exciting religious discord and sectarian hatred. At that time there were no godless colleges—no endowments of Popery to denounce, yet there was a strong family likeness between the hustings cry of that time and those with which they were now familiar: the cry at the hustings then was "No Mass-house," "No Conventicle," "No Synagogue;" but since that period the frequenters of the "Mass-house" and of the "Conventicle" had been declared eligible for seats in Parliament, and he trusted their Lordships would that evening declare by their votes that the members of "the Synagogue" should be placed in the same position. Amongst those who had incurred great obloquy at the period to which he referred, in consequence of the course which they adopted in supporting the claims of the Jews, was the Bishop of Norwich; and, as a mode of insulting him, it was said, when he went to hold an ordination in his disocese, that he intended to ordain the Jews on the Saturday, and the Christians on the Sunday. He (the Earl of Albemarle) saw before him his much honoured diocesan, and he felt confident that the right rev. Prelate would advance the true principles of Christianity, and act in the spirit of that Gospel which told them to bear persecution, but not to inflict it. One great advance towards that end had been made. The City of London had been the great focus at that former period of the agitation against the Jews; but now, with 20,000 electors, and with increased numbers and intelligence, it had chosen a Jew to be one of its representatives. On the debate on this quession "in another place," he had heard a distinguished member of the legal profession say that inconvenience would arise— ["Order!"] Well, then, they must imagine that some person had used the argument, that inconvenience might happen if they admitted the Jews to Parliament, because there might be a call of the House for Friday night, the beginning of the Jews' Sabbath; but, unfortunately for the argument, the Jews' Sabbath had commenced at the very time when the question was under discussion, and a friend near him pointed out that, with the exception of the two sheriffs of the City of London, they were themselves the only Christions under the gallery; so that this argument was not worth much. Another argument which had been used was, that the Jews were receivers of stolen goods; but there was an old saying, "whom the State degrades, criminals may vilify." The opposition against the Jews was a prejudice which would die away, as prejudices against other classes had done, unless they were fostered by legal enactments; for example, let them recollect what a prejudice existed in the last century against Scotchmen. Who had not heard of Charles Churchill's poetry, and Charles Macklin's prose, or of the mode in which the Scotch nation was satirised as—

"——— Those high-born beggars,
M'Leods, Mackenzies, and Macgregors?"

In the beginning of the reign of George III., that most incapable of all men that ever entered upon the management of public affairs, John Earl of Bute, was in office, and was excessively unpopular; but one-half of the obloquy thrown upon him was not on account of his blunders or mismanagement, but was owing to the land of his birth. They must all remember George Selwyn's joke when a mob had assembled in the neighbourhood of Downing-street, and a spectator asked what was the matter—"Oh! a Scotchman has got into the Treasury, and we can't get him out." For the first time after ninety years a countryman of John Earl of Bute was First Minister of the Crown, but there were no disabilities or prejudices against him. Had their Lordships ever heard the land of his birth thrown in the noble Earl's teeth at this time? Though he had not the honour of a personal acquaintance with the noble Earl, and owed him no party allegiance, he hoped that so long as the noble Earl would stand up manfully, as he did that evening, in support of the principle of civil and religious liberty, it would not be in the power of any one to turn him out of the Treasury. It was not argument, but prejudice, which hindered the Jews from obtaining admission into Parliament, and this would soon die away. He took the law to be this—that any Jew or any other person who took the oath of allegiance, but not the oath of abjuration, might give a vote that was valid, provided he paid a penalty of 500*l.* If so, what was to prevent Baron Rothschild from going to the table, and afterwards giving a vote which might keep the Ministers in place? ["No, no!"] This showed the unsatisfactory state of the law at present. It was said that the Jews had no national feelings; but he thought they were more essentially English than many of us. They were not more so probably than those who came in at the period of the Conquest; but he (the Earl of Albemarle) was not one of them. They had a considerable precedence of the French who came here, to the great advantage of the country, in consequence of the revocation of the Edict of Nantes, and also of those who came in like himself with the Dutchman, William of Orange, whose "pious memory" they all revered. The treatment of the Jews was not a bad test of the enlightenment of a country. The most intolerant people had treated the Jews worst, and they had been most favourably treated by the most enlightened. In Spain and Portugal they had been treated with great intolerance and hardship. In Russia they suffered cruel restrictions; and in Rome, under the eyes of the Pope, they were restricted to the dirtiest part of the city and were under severe restraints. In France, on the other hand, for forty-five years, they had been admitted to an equality of privileges with their fellow-subjects; and when France had a representative government they were among its representatives. But the land of his forefathers—Holland—furnished the most striking example of a tolerant and enlightened treatment of the Jew. Holland was the most Protestant of all countries upon the Continent, and was, therefore, the best possible model for us to follow. In Holland for 250 years the Jews had been on a perfect equality of rights with all other subjects of the King. He believed that in the time of Oliver Cromwell, when attempts were made to improve their condition, and again in 1753, both these movements occurred in consequence of the extraordinary prosperity which Holland enjoyed, in great part from the equality of rights permitted to the Jews. Now, as the Dutch were a nation of shopkeepers, like ourselves, that argument ought not to be lost sight of in a consideration of this question. He was sensible that, unused as he was to address any kind of assembly he needed their Lordships indulgence; but he hoped their Lordships would prove by their vote that they were not inferior in toleration to States and Governments who were far below them in every other form of liberty.

The Earl of DARNLEY besought the indulgence which their Lordships never refused to those who addressed the House for the first time, while he briefly explained the grounds upon which he should give his vote against this Bill—a vote which he should be ashamed to attempt to justify, except upon grounds of religion. Without asserting that the Bill was open to objection upon no other grounds, he would say that it was upon religious grounds alone that their Lordships could be warranted in rejecting it. He thought that the discussion might be properly confined to the question as to whether Christianity had been already dispensed with as an element in the constitution of the Legislature, or not. He would be told that to all intents and purposes it was so; he would be reminded of the cases of the Socinian and the Unitarian; but he would not be told that there had as yet been any open, avowed, and ostensible innovation upon the Christian character of the Legislature. But they were now called upon to do for the Jews what they had never been called upon to do for any other sect—they were called upon to make an open abnegation of Christianity in the eyes of the world; and however this abnegation might be explained away by noble Lords opposite, it would, if carried this Session, date from 1853 in spite of them. He must vote against the second reading of the Bill; but not without once more declaring that he did so upon religious grounds alone, and not from any distrust of the elastic vigour of our glorious constitution, which did not require to be shored up by such paltry propping posts as these Jewish disabilities. But there were blessings of still greater value than those of civil liberty—duties still more imperative than that of generous toleration;—not that he yielded to any noble Lord in love of that toleration, but he nevertheless maintained that it was perfectly compatible with such toleration to preserve inviolate the Christian character of the Legislature. The view which he, in common with others, took of this measure, had been called mere prejudice; but Locke had said that "every man should let alone other's prejudices and examine his own." Was the prejudice all one way in this case? Noble Lords opposite might fancy that they who objected to this Bill on religious grounds were inclined to lay excessive stress on theological scruples; but if there was this sort of prejudice on the one hand, was there not upon the other a predisposition to sacrifice the honour of Christianity to the comparatively paltry considerations of secular policy? Was it prejudice to revere their religion; prejudice to refuse to allow others to argue away their conscience; prejudice to decline to exchange a standing display of national respect to their national religion for a mere political—equivalent he could not call it, for a mere political—consideration? They might call it prejudice, or what they pleased: it mattered very little what it was called; the feeling remained the same—a feeling which no enlightened mind would confound with bigotry, of profound attachment to the Christian religion and reverential gratitude to its Founder, which recoiled from the notion of offering to that religion so much as the shadow of an insult. That feeling prevailed throughout the length and breadth of the land; and although it might be a while forgotten amidst the turmoil of business, or smothered by the bitterness of faction, it still existed in its full vitality deep seated in the hearts of the people, sooner or later to vindicate the course which he trusted their Lordships would adopt upon this occasion.

The ARCHBISHOP of DUBLIN said, that although he had on several occasions expressed his opinions on this subject, and although for many years his opinion had been before the public in various modes, he wished to trespass upon their Lordships for a few moments, because the peculiar views he entertained on this point were liable to misconstruction, being different from those not only of the opponents of the Bill, but also from those of its advocates. He was far from approving the whole of the present Bill; he had no hostile feeling against the Jews, but he did not think that this should be called a Bill "for removing the disabilities of the Jews," but should be considered as a measure "for the relief of electors," whereby they would be enabled to elect to Parliament those whom they thought fit, unless a strong case could be made out of public evils resulting from it. Much had been said on that evening, and on former occasions, as to the strong feelings that existed on this subject; but he found generally that the feeling on both sides was totally irrespective of the ground on which he took his stand. It was generally considered a question "for," or "against" the admission of the Jews to Parliament; and he was neither for nor against it; he was not anxious to see the Jews in Parliament, but he was anxious that all restriction of the freedom of electors to elect Jews to Parliament should be removed from Christians, so that they might be at liberty to elect those whom they thought fit. If he (the Archbishop of Dublin) were to recommend another to give his vote at an election, it would be that he should give it to one not only who was a professing Christian—or one whom he believed to be a professing Christian—but also one whom he believed to be a sound member of their Church. But though he might do that, he would be guilty of no inconsistency in wishing that all other electors should be at liberty to follow their own judgment, and should not be compelled to adopt the judgment of others. He contended that the electors had a right to choose as their representatives those whom they thought fit, unless any public danger or inconvenience could fairly be shown to result therefrom. Now, he admitted that the evil complained of by the electors was not one of very great magnitude; but on the conscientious ground of religion he thought there was great evil in having restrictions of this kind at all. It was generally argued by the opponents of this measure that to remove this last barrier which operated to exclude the Jews from Parliament argued indifference to Christianity. If, however, after voting on that ground against the present measure, he were asked whether, in supporting the law as it now stood with regard to other bodies—in admitting, for example, Roman Catholics and Dissenters to Parliament—he was not exhibiting indifference to Protestantism, or to the Church to which he belonged, he really did not know what answer he could give. It was quite in vain to tell him that the Jew was the adherent of a faith more erroneous than that of the Catholic or the Dissenter; for this was not a question of more or less, but one of principle; and they were altogether in a false position when they proclaimed that it would unchristianise the Legislature by removing these disabilities, and yet said that it did not unprotestantise the Legislature to admit Roman Catholics, and that it did not unchurch the Legislature to admit Dissenters to Parliament. He was himself opposed, not on irreligious, but on Christian grounds, to any law which should exclude religionists of any description from Parliament on the ground of their peculiar views; but if Parliament took that ground, it should at least, in order to be consistent, proclaim its absence of indifference not only as to Christianity, but as to the particular form in which it might be professed. Now, as far as Christianity consisted in a mere name, he confessed that he was very indifferent about it. Most of their Lordships were aware that there were persons, many of them adherents of certain German schools, who professed to be Christians, and were so in this manner—that they believed that our Saviour was sent from heaven in the same way in which every great philosopher or legislator was sent from heaven; that he was an erring mortal, though no doubt a wise and good man; that he taught many valuable truths, mixed, however, with many errors; that his history is in great measure a myth, though having some foundation of historical truth. These persons, denominating themselves Christians, were so in all but the doctrines and the history of Christianity; and they held that every man was to seek his Christianity in his own breast; that is, to find it in whatever approved itself to his own judgment. Now, he had indeed never seen the force of the argument in favour of this measure derived from the fact that infidels and sceptics of all sorts might find admission by a hypocritical profession of Christianity, because profession was all for which the Legislature could call. But the persons to whom he had alluded declared and professed openly what they meant by Christianity; and he contended that a person of this school was much further removed from Christianity than a Jew; and for that reason he was indifferent to Christianity as far as it consisted in the name. When a man said plainly that by "black" he meant what every one else called "white," you certainly could not accuse him of hypocrisy if he said that snow was black. But he did not see how, if it was maintained that it would unchristianise the Legislature to remove these disabilities, it could be maintained that it did not unprotestantise the Legislature to admit Roman Catholics—did not overthrow the Established Church to admit dissenters of various descriptions—or did not unchristianise the Legislature to admit those who stated that by Christianity they meant what every one else called Deism or Atheism. It was altogether inconsistent with his view of the character of Christianity to retain the exclusion of the Jews. It was indeed perfectly allowable for every voter to be influenced by considerations with respect to the religious opinions of another, in every matter which was a subject for his own private judgment—in his vote for a Member of Parliament—in his matrimonial engagements—in his choice of servants—or anything of that kind; but a law which excluded a person from taking his seat in Parliament, on the ground of his religious belief, seemed to him (the Archbishop of Dublin) quite contrary to the spirit of Christianity as it was described to us by its Founder. If, however, their Lordships were of opinion that persons ought to profess Christianity in order to be eligible to any place in the Legislature, they should take care to have not only a Christian Parliament, but a Christian constituency. They were told that Parliament would be unchristianised by admitting a Jew who had been elected, to take his seat; but

Members were now elected by Jews along with other electors; and he did not see how the Legislature would, if this Bill passed, be less Christian than the constituency now was. In fact, the case would not be so strong with regard to the former as to the latter; for, as the law now stood, the Jewish freeholder could claim to exercise his right of voting, whereas no man could claim a right to a seat in Parliament unless a constituency elected him. If, therefore, they wished to fortify Christianity by any such safeguards as these—for his own part he should say *non tali auxilio*—they must go a step further and secure a Christian constituency as well as a Christian Legislature. Nay, more, if they were sincere Protestants, they must secure a Protestant constituency; and if sincere friends to the Church of England, a Church of England constituency—in short, they must retrace their steps, and reimpose all those disabilities which had been removed by the Legislature of late years. He must acknowledge that he was dissatisfied with the present Bill, not merely on account of what he conceived to be its erroneous title—that it purported to be a Bill for the relief of the Jews, instead of for the relief of electors—but because it did not do away altogether with all declarations required from Members of Parliament. He would do away entirely with the declaration "on the true faith of a Christian," instead of merely excepting the Jews from the obligation of taking it. He did not approve of this patchwork legislation—this passing of laws, first for the relief of Separatists, then of Quakers, and then of Jews. He thought all religious disabilities should be removed together. Nor did he think that such a measure would be a triumph over Christianity, but that it would, in fact, be the triumph of Christianity; for he, and those who thought with him, supported this Bill not from indifference to Christianity, but because that the retention of these disabilities was contrary to its spirit.

The Bishop of SALISBURY said, he should not have spoken had no argument been adduced from the bench on which he sat in favour of the measure; and he should have been glad to have given a silent vote upon the occasion; but as the most rev. Prelate had once more given the weight of his advocacy and authority in favour of this measure, and those who would have spoken with more power and authority than himself were indisposed to repeat the arguments which had before prevailed with their Lordships' House, he felt on that account constrained to state the reasons why he retained the opinion he had always held in opposition to it, though he had never before expressed it in that House. He was glad that they had not heard in that House the arguments that had been used in another place, such as that there was no essential difference, or but little, between the Jewish and the Christian religion; that it was a mere matter of degree, the Jew believing a little less, and the Christian a little more; that they had not the maintenance of the essential principles of Christianity spoken of as "sectarianism;" or approval expressed of the selection of a Jew by a Christian constituency as a representative. The most rev. Prelate had carefully grounded himself on all those points, and had placed his argument on the tangible ground that it was unfit that there should be any distinction either in the way of political disability, or advantage on the ground of any religious belief. He could have felt that there was more weight in that argument if he only was convinced that there was no such thing as religious truth, or if that religious truth had never been embodied in any outward form, or if that outward form had not been adopted into the institutions of this country by direct acknowledgment, by ancient usage, and by continued legislation. It appeared to him that the most rev. Prelate was in his own person an answer to that argument. The most rev. Prelate sat in their Lordships' House solely because it had always seemed fitting in the institutions of the country to adopt and distinguish religious truth, and to invest men with privileges in respect of it. He opposed the Bill in the first place on the ground that it was a direct attack upon the Christian character of the Legislature. He was well aware that that was no new argument, and they had heard it already advanced and replied to in the course of that debate. But if the argument was not new, neither was the answer. The only answer he had heard given to it was that given by the noble Earl who had introduced the Bill. The answer simply was, that this measure would not affect the Christian character of the Legislature, because the Christian character of the country was not affected, although it counted a large number of Jews among its inhabitants. He confessed that did not appear to him to be a true or just analogy. It appeared to him that the character of the country was not to be taken so much from the accidental circumstance of the majority of those who composed its inhabitants, as from the character of the institutions by which they were connected into one society, and by which they expressed their corporate will, and by which, so to speak, they lived and acted; and therefore, in the event of the present measure being passed, and a change being made in their institutions, instead of its being able to be said, that the Christianity of the Legislature would not be affected, because the Christian character of the country was not affected, in his humble judgment, it would appear that the Christian character of the country was impaired, if not destroyed, by the injury which was inflicted on the character of the institutions on which alone the character of the country depended. But while on this ground he held that the answer given to the argument, drawn from the injury done to the Christian character of the Legislature, was insufficient, that was a part only of the objection on which he rested his opposition to the Bill. Whatever might be the religious character of the country at large, he, at least, could not forget that there was a community essentially Christian in its character, that there was a City having foundations, whose builder and maker was God. That community and that City was the Church of Christ, and it was with regard to the effect which this measure would produce upon the character of the Church of Christ, as established in this country, that he now ventured to address a few words to their Lordships. The Church of Christ in this country was not only recognised and established by law, but established in such sort that the authority of the civil power was intimately blended with that Church through every part of its action. Not only was the Queen supreme Governor of the Church—not only was the Legislature supreme as regarded all matters relating to her endowments, but its authority, always supreme, was now that which was alone in practical action as regarded all that was most sacred and essential and holy in the doctrines, or of highest importance in the discipline, of the Church; and if any legal change was to be made, that change could only be made by the authority of the Imperial Legislature. It might be that the admission of a few Jews into either House of Parliament would not have any great practical effect upon the character of their legislation, or the nature of the measures which might there be brought forward, though even this was by no means certain; but as a matter of principle, he contended, the case would be entirely different. Their Lordships were asked by their votes to say that it was not unseemly to enact that those who blasphemed and denied the name of our Lord Jesus, should yet legislate for Him, pronounce upon His doctrines, and regulate His ordinances. The most rev. Prelate had urged that the law, as at present constituted, did not secure that those who did obtain admission into the Legislature of the country were really believers in the faith of Christ, and that as it was probable that some were admitted who were not believers, and as it was certain that others who dissented in many important points from their doctrines were already admitted, it was now too late to make any distinction. As regarded the first point, it was merely that which was a necessary condition of the imperfection of the Church in its militant state, in which the evil throughout, and therefore in the Legislature as well as elsewhere, were mingled with the faithful servants of their Lord; and therefore, if there were among them, or had been admitted among them, men of that class, it was by their own hypocrisy that they obtained admission—their sin would be upon their own heads, and no stain would rest upon those who were not participators in it, because they were unable, by the test of an oath, to exclude them. With regard to the other point urged by the right rev. Prelate, of the admission of those who dissented from various portions of the doctrines of the Church, but who being admitted into Parliament, were enabled to take part in the legislation of matters affecting the Church, he held it to be a great evil and a grievous wrong. But because they suffered a lesser wrong—because those were able to participate in the legislation for the Church who were not members of it, though at least they professed and called themselves by the name of Christians—were they on that ground to admit those who denied and blasphemed the very name of Christ? He must remind their Lordships that the sense of the wrong that was done to the Church by the power of legislation in respect of it, which was given to those who dissented from its doctrines, was clearly marked in the oath which was administered to Roman Catholics, that they would not use any power conferred on them to injure the Established Church. Their Lordships would observe that there was no trace of that restriction in the measure for the admission of Jews. It was upon these grounds that he rested his opposition to the Bill. He had no wish to enter upon other political considerations, to the force of which he was nevertheless not insensible: he addressed himself to these two main religious grounds of objection; and on these he was constrained to say that neither as a Member of their Lordships' House, nor still less in respect of that office by virtue of which he had the honour of being a Member—namely, as a Bishop of the Church of Christ—could he conscientiously pursue any other course than that which he was about to take with a clear and decided conviction—namely, to say "Not Content" to the Bill.

The BISHOP of ST. DAVID'S said, he thought the objections of his right rev. Brother (the Bishop of Salisbury) to the Bill were founded on a series of erroneous assumptions. He most fully concurred with the most rev. Prelate (the Archbishop of Dublin) that it was a circumstance very much to be deplored, that the title of the Bill conveyed not only a partial and incomplete but a very erroneous view of its real object and character; inasmuch as if that had been correctly described, its title would have been "a Bill to enable the constituencies of the kingdom to be represented in Parliament by persons whom they might choose to elect, without reference to any religious distinction prevailing among Her Majesty's subjects in this realm." That title, or some such, would have conveyed a better idea of the object of the measure, and would at once have raised the question whether there could be any satisfactory reason adduced for the limitation which had hitherto existed on the electoral franchise. It was not enough to argue that the limitation was to be preserved, however accidental in its origin, and useless, or even mischievous, in its effects, because it had been allowed to continue for centuries; some substantial reason must be given for its continuance. Then came the question, what there was in the opinions of that portion of Her Majesty's subjects who professed the Jewish religion, that should disqualify them for the faithful discharge of the duties of representatives in Parliament? And again, how the line was to be drawn between the duties of municipal offices to which they were already admitted, and those which would devolve upon them in the position of Members of the House of Commons, from which they were at present excluded? He was not arguing the question on the ground of an absolute right, but only on the ground that no satisfactory answer had been given to those questions. It was true, there was one answer to them which had been repeated in every variety of shape—that the effect of removing the limitation would be to "unchristianise" the Legislature. He was aware that this topic had been worn almost threadbare; but still he must venture to submit that a very great and general misapprehension prevailed on that point. He had always regarded with admiration the unknown individual, and thought he must have been a great man, who first devised the phrase of "unchristianising the Legislature," because, of all the phrases that could have been invented, none could have been more admirably chosen for the purpose, inasmuch as it was excellently adapted to get up "a cry," while it conveyed no definite notion whatever. He would venture to affirm that this celebrated phrase rested on nothing more than a perfectly arbitrary and precarious definition, which he could show was a very bad one besides. It rested, in fact, on the assumption that the only definition of a Christian Legislature was a Legislature into which none but Christians were admissible. He did not know by what right that definition could be assumed to be necessary. It certainly was perfectly arbitrary, because he could give another. Why had he not an equal right to say that a Christian Legislature was one which represented the constituencies of a Christian country? He thought this not only as good, but a much better definition than the others, and he was prepared to give a plain and solid reason for preferring it; and it was this: if they adopted the former definition, they would involve themselves in this absurdity—that the Legislature would be unchristianised by the passing of this Bill, and yet might very possibly be constituted of precisely the same elements as before; or it might be from time to time sometimes Christian and sometimes unchristian, according as members of the Jewish persuasion happened to have seats in it or not; for it must be admitted it was perfectly possible that, after the passing of this Bill, not one single Jew might be admitted to a seat in the House of Commons, and yet the Legislature would be, as it was said, unchristianised. Now, if his definition was adopted, this absurdity would be got rid of. When he considered the influence of this equivocal phrase, he did not wonder at the number of petitions which had been addressed to their Lordships against the measure, and at the alarm which had been excited in the country; in fact, he only wondered there had not been more; but the native good sense of the people had enabled them, if not to see, yet to feel, their way through the sophism involved in that most unmeaning phrase. He quite agreed with the noble Earl who had moved the Amendment, that the great bulk of the people of this country regarded this measure with utter indifference; and he believed that this indifference arose from their profound conviction that it in no way affected their civil or religious interests. He had never heard of any tangible evil which this measure would produce in its working. The tenets of Christianity in the abstract could never become a topic of discussion in Parliament. The questions which came under the consideration of the House of Commons related only to the temporal interests of the various Christian communities; and with regard to all these, persons professing the Jewish religion stood in a position of perfect neutrality. Whatever might be the interests of a particular Church or religious body, those interests must remain entirely unaffected by the introduction of Members of the Jewish persuasion. He did not know how his right rev. Brother (the Bishop of Salisbury) might feel, but for his own part, he most solemnly declared that if a question were to be introduced into the House of Commons affecting the rights and privileges of the Established Church, there were not a few Members of that assembly whose place he should be glad to see occupied on that occasion by as many taken at random from the Synagogue in Duke's Place. He held these points to be the main considerations respecting this Bill; but he was aware there were other reasons which influenced the opinions and feelings of many who opposed this measure, and he was not quite sure that the minds of many of their Lordships might not be swayed by them also. They had heard again the old cry, that the Jews were not sufficiently rooted in our soil to be permitted to exercise the functions of legislation. Perhaps that argument might have had a little more weight some time ago; but the events of the last few years must have considerably weakened its force. For when he considered the vast stream of emigration which was carrying away to distant shores such numbers of our people—not merely the poor and indigent who were driven by necessity, but many of the middle and higher classes of society, who voluntarily left their native soil, allured by some slight prospect of improvement in their worldly condition—he really did not understand how they could allege as an argument against the Jews that they were not sufficiently attached to this country, because they entertained a hope—floating at an indefinite distance—which attracted them to a remoter region. He would not deny that there were modes of religious belief which might at first sight appear inconsistent with the duties of a Member of Parliament. It might at first sight seem dangerous to admit into Parliament persons who professed to make the part they took in legislation entirely depend on the will of a foreigner—it might seem dangerous to admit those who professed that the constituencies whom they represented were not the people, but the priests of their religion; but that was not a danger which threatened them in the case of the Jews—they would never see a Jewish Member of the House of Commons declaring that he was sent to Parliament, not by the will of the electors, but by the rabbis and doctors of his creed. It might also appear somewhat inconsistent with the duties of a legislator that they should be exercised by persons whose belief was that we ought to make no resistance to foreign aggression, and who held doctrines which rendered it incumbent on them to the utmost of their ability to prevent the nation from offering such resistance—persons who would feel it to be their duty, if they had the power, to disband our Army, to lay up our Navy, to melt down our ordnance, and to lay this country prostrate at the feet of the first invader who might assail our shores—such opinions might indeed raise many grave questions of policy; but certainly the objections involved in them did not apply to the tenets of those who professed the Jewish religion. His right rev. Friend (the Bishop of Salisbury) had adverted to another topic to which he would not have alluded if his right rev. Friend had not assumed what he (the Bishop of St. David's) believed to be a totally unfounded view of the case. His right rev. Brother, in resting his arguments against the measure on the ground that it was admitting to a share in legislative functions persons who viewed with feelings of hostility and irreverence that which Christians considered as the most awful and fundamental principle of their religion, and who blasphemed the holy name which they regarded with the greatest veneration, had assumed a view of the case which he (the Bishop of St. David's) thought unfounded. He knew the opinion was very widely prevalent, and it was one which he had himself entertained for some time—indeed it was but lately that he had been led slowly to abandon it—but as soon as he had turned his mind to the subject, he found more reason every day for questioning its accuracy, and he now saw that the charge that there was a necessary and essential hostility on the part of persons professing the Jewish religion toward Christianity was, at all events, distinctly repudiated by the Jews themselves—not simply in a way which might suggest the suspicion that they did so to serve some temporary purpose, but according to statements and opinions delivered by their most celebrated doctors and divines in distant periods. He said so on the authority of a journal which represented the opinions of the Jewish community in this metropolis; in this journal this charge was made the subject of complaint; and the writer cited passages from the writings of some of their most eminent Rabbis, in which Christianity was spoken of as a holy and venerable religion, and it was stated that Christians were favoured by the special aid of Almighty God to spread themselves over the world for the purpose of abolishing the superstitions and banishing the abominations of Paganism. He did not mean to say that this opinion was held universally by all persons of the Jewish persuasion; it was quite sufficient for his purpose if he showed that it was held at all, and that there was no necessary and essential ground of connexion between the Jewish religion and the hostility and irreverence toward Christianity, imputed to them by his right rev. Friend. [The Bishop of SALISBURY made a remark which was inaudible.] He denied the necessity which his right rev. Friend affirmed, and he said the passages in the authorities to which he had referred showed that this hostility and irreverence was not a necessary article of the Jewish belief. A human being they undoubtedly believed the Founder of our religion to be. He knew their belief stopped short of that which we believe to be the true faith; but that it was a necessary part of their religion, not only to hold Him to be a mere man, as was the case with many Christian heretics of the early ages; but to look upon Him as an impostor, he denied. He did not think that those who believed our religion to have been designed by Divine Providence to spread such blessings over the world, were likely to regard its Author with feelings such as had been imputed to them. In fact, he believed that they looked upon Him very nearly in the same light as many of those who were already admitted to the privilege of being Members of the Legislature. He must, however, remind their Lordships that the real question was not whether Jews should be admitted into Parliament, but whether the electoral franchise should be so far enlarged that those who were entrusted with the election of Members of Parliament should be at liberty to select any person of the Jewish religion to represent them; and then he would ask what right they had to assume that this privilege would in any case be so improperly exercised by Christian constituencies that they would elect those who professed irreverence and hostility towards their own religion. Their Lordships would perhaps recollect, that before this discussion came on, a petition had been presented by a right rev. Prelate (the Bishop of Chichester), who was not now present, and that the right rev. Prelate accompanied the presentation with the statement that the petitioner, a member of the Jewish persuasion, had granted a piece of land for the erection of a Christian church. He was prepared to show that this was not by any means a solitary case; and that there were Jewish manufacturers who employed great numbers of Christian workmen, and who provided for the spiritual instruction of those whom they employed, with—he had almost said—a Christian generosity, which he should be glad to see more extensively imitated by those who bore that worthy name by which they were called. He could produce instances in which these Jewish masters, without sacrificing any of their peculiar opinions, had built Christian churches and Christian schools for the benefit of their Christian workmen:—and he would ask their Lordships whether men who were capable of doing such Christian-like actions, were to be denounced as implacable enemies of our faith, and as on that ground, though allowed to exercise the electoral franchise, yet unworthy to take a seat in the British Legislature?

The EARL of HARROWBY said, that in opposing the second reading of this Bill, it was not from a want of appreciation of the liberality of their Jewish fellow subjects on many occasions; it was not because he was afraid of their numbers; it was not because he was afraid of their personal hostility towards the constitution of the country; but it was because he believed that it would be extremely injurious to the religious feelings and religious interests of the people of this country, without any adequate advantage. He did not think there was any great force in the argument used by the most rev. Prelate that evening, that if those who opposed this Bill were to carry out their principles effectually, they ought to repeal the Roman Catholic Emancipation Act—to re-enact the Test and Corporation Acts. He did not admit the logical sequence in itself; but even if it were correct, he confessed he should not feel himself bound in such a case by a mere logical conclusion. On a question of political action he should conceive himself, as a practical man, not only at liberty, but bound, to look to the result of his actions in each case, whatever argument might be raised upon some previous step. But in the case of the Roman Catholics and the Dissenters, the circumstances were very different. It would, no doubt, be more convenient if the Members of the Legislature were all of one faith. But we had the fact to deal with, that we had millions of Roman Catholics and Dissenters as fellow subjects; and, although it would have been a great advantage if the Legislature could have been of one faith; yet, having that vast number of British subjects to deal with, out of two evils the Legislature chose the lesser, and admitted into their body both Roman Catholics and Dissenters. Indeed it seemed hardly consistent with the principles of representative government to exclude from political power so important an element of your population. But they had no such embarrassing circumstances to deal with in regard to the Jews. Though many of them were of a highly respectable character, yet they were but a handful in this country; they had come to England in pursuit of their own interest, and enjoyed an amount of protection from our laws and liberties, and advantages in every way, such as they found in no other country in the world. Their number did not exceed 40,000; and this handful of people came and asked their Lordships to alter the principles of their constitution for the purpose of admitting some two or three among them who were ambitious to become Members of Parliament, and who should be able to find constituencies to elect them. Surely that was a very unreasonable demand. If a great good could be shown on one side, to counterbalance the evil on the other, that might be a reason, as in the case of the Roman Catholics and Dissenters, for admitting persons to legislate for a Church to which they did not belong. But no such inducements could be shown in this case. There was no temptation for their Lordships to take such a step. It had been said that this was not so much a measure for the relief of the Jews, as for the relief of the electors of England, who were now stinted in their choice. But could it be really said that the constituency were suffering a grievance from the fact of not being able to find a sufficient number of persons out of the twenty-seven millions of their own countrymen, who were not Jews, to represent them; and that it was necessary they should be allowed to choose among the 8,000 or 10,000 adult male Jews in addition? Surely if this was a grievance it was the smallest grievance that ever was complained of. Again, it was said that the exclusion of the Jews from Parliament was owing to the mere accident of the form of the oath which was taken by Members of Parliament—a form not adopted for their exclusion, but for a totally different purpose. He admitted the fact, but he denied the inference. Would any one tell him that if the Jews had not been excluded by that form, they would not have been excluded by another form specifically provided for the purpose? It was found that the exclusion of the Jews from the Legislature was effected by the oath, and therefore it was seen that there was no necessity for excluding them by any other provision. Why, it was but a very little while ago when Jews were not capable of holding an estate in land in this country; and by that circumstance alone, by-the-by, they would have been excluded by want of the qualification of landed property from any English or Irish representation; but, while they were thus looked upon as aliens, was it reasonable to suppose that care would not have been taken to exclude them from the Legislature, if it had not been found that the form of the existing oath was already sufficient for that purpose? In considering what was the real effect of this measure, and how vitally it affected the character of this country, he could not forget that Christianity was interwoven with all our institutions. He could not cast his eyes around, even within their Lordships' House, without beholding some Christian symbol, some Christian emblem. The baptism of a Saxon King was recorded on their walls, as the starting point of their history, over the very throne itself. Christianity was part and parcel of the laws, the customs, and the constitution of the country. It was not wise, for the sake of admitting an inconceivably small portion of a people into the Legislature who were not Christians, to risk the eradication of a single atom of that principle which was so deeply rooted in our institutions. The danger was not in the numbers, but in the principle; and he had now seen enough of political life to know the value of a principle for good or for evil. Like the smallest seed, a new principle in political institutions seemed to have a vital germinating power within it, which under favourable circumstances expanded, and had power to lift and rend asunder the most solid superstructure. It had been said that this measure was in accordance with the public mind and feeling of the country: in his opinion, it was not. There was no political necessity for it, no political advantage to be attained by it. The feelings of the people were not to be controlled by the devices of logic, but were to be influenced by an appeal to their common sense and common feelings; and they felt that, by striking out from the oath the words "on the true faith of a Christian," one of the bonds by which the Legislature was knit together to one common and essential principle would be cut asunder. Their Lordships had no choice of difficulties to encounter, no political necessity to embarrass them. They had no real grievance to redress; and seeing that the Jews enjoyed social and political advantages in England which they enjoyed in no other country in the world, he, for his part, would not lend his hand to give one impulse, however small, to a measure that would be so dangerous to the future destinies of the country.

The DUKE of ARGYLL said, he could assure the House that it was with some reluctance he rose to address them—first, because he felt that the subject was exhausted; and, secondly, because on three or four previous occasions, he had already stated the grounds on which he was prepared to vote for the admission of the Jews to Parliament. But there were some observations which had been addressed to their Lordships, particularly by the noble Earl who had just sat down, and by the noble Earl who moved the rejection of the second reading, on which he was anxious to say a few words; and he trusted that nothing which fell from him would be an exception to the rule which had hitherto prevailed in the debate, namely, that the utmost respect should be paid by the supporters of the measure to the prejudices of those who differed from them. The noble Earl who had just sat down appeared to him (the Duke of Argyll) to have abandoned the principle insisted on by former speakers who resisted the Bill. The noble Earl had said that he did not feel bound by the strict rules of logic laid down by the most rev. Prelate (the Archbishop of Dublin), since he held that, on questions of policy, they were not to be bound by the strict rules of logic, but that they ought to consider all the circumstances connected with each particular occasion. He (the Duke of Argyll) would entirely agree with the noble Earl, if the noble Earl was prepared to admit this to be a question of expediency and policy. But the noble Earl had forgotten that all the previous speakers had addressed themselves to the question of religious principle alone; and he (the Duke of Argyll) maintained that, when you apply to a religious principle a logical argument derived from religious commands, you are bound to show that you are acting consistently on the principle you have avowed, or to reconsider your arguments, and see whether that principle is applicable to the question before you. The noble Earl proceeded to say that if any great political advantage could be derived from this measure, he possibly might experience some difficulty in coming to a decision upon it; but he rested his argument upon the fact that there were no embarrassing circumstances connected with the question. He (the Duke of Argyll) agreed that there were none, so far as a pressure from out of doors was concerned. But that was not the question before the House. No human being would vote for the admission of Jews into Parliament merely on the ground of any supposed danger arising from their exclusion, or for the rejection of the Jews from any apprehension of danger arising from their presence in Parliament. Such arguments had been long abandoned. Those who objected to this measure grounded their objections on religious principle alone. The noble Earl had referred to another argument which had been used with some effect in this and previous debates. The noble Earl admitted that the exclusion of the Jews was owing to an accident in the form of the oath; but he asked if it could be imagined that, if the Jews had not been excluded by that means, other means would not have been taken for the purpose? He (the Duke of Argyll) would contend, in conjunction with his noble Friend behind him, that that was a most inconclusive argument. Let them look to existing facts. The Jews were at this moment exercising the functions of electors. How came they to obtain the elective franchise? Did the noble Earl imagine that in the times of cruelty and persecution, to which he had referred, the Jews would have been allowed to have votes any more than to sit as Members of the House of Commons? How had the Jews come by the enjoyment of that privilege, which they enjoyed in common with all Her Majesty's subjects? Simply because there was no accidental form of oath which interposed between the voter and the polling booth, similar to that which stood between an elected Member and his seat in Parliament. No such accident intervening, the gradual progress of enlightenment had left the Jew to possess the right of voting; and it was a legitimate conclusion that the same causes would have operated to admit them without hindrance to the benches of the House of Commons. He would now notice some of the observations of the other noble Earl (the Earl of Shaftesbury). That noble Earl had said that his noble Friend (the Earl of Aberdeen) had asserted that the Jews had a constitutional right to sit in Parliament. He (the Duke of Argyll) did not understand his noble Friend to say that they had a constitutional and certainly not a legal right—for if they had, there would be no necessity for this measure—but that they had a natural right, and that their position in the country made it reasonably just that they should be allowed to sit in Parliament. Again, the noble Earl urged that the Jews had admittedly no natural right to exercise executive functions, since they were by this very Bill excluded from several executive offices, and that for one enabling proviso there were several disabling clauses. If the noble Earl had looked at the Bill, he would have found that the disabling clauses referred chiefly to offices with which ecclesiastical patronage was connected, and from several of those offices Roman Catholics were also excluded. The noble Earl also said that the question should be considered by the House on the ground of religious principle; and he repeated what he had before said, that if the Jews had been already possessed of this privilege, he would not have been prepared to exclude them by a new enactment, but that he was not prepared to give them the privilege by a new enactment. If this was a question of policy, he (the Duke of Argyll) would have admitted that distinction; but when the question was put on religious grounds, he thought that if you were bound to exclude in the one case, you were equally bound to exclude in the other. If this was a Christian nation, and therefore Jews ought not to be allowed to exercise the functions of the Legislature, it would have been equally a duty to exclude them from possession. With regard to what, after all, was the main question, the noble Earl said that the oath required to be taken was a distinct assertion of a profession of Christianity. He (the Duke of Argyll) maintained that it was not, but that it had been adopted as a form specially binding on those who took the oath, but forming in reality no part of the oath itself; so much so, indeed, that it had been argued by some that it might be taken by a man who was not a Christian. He agreed with the most rev. Prelate that there would not be much value in it even if it were an assertion of Christianity, for many persons might take it who were not really Christians, and it was impossible to say that it could effectually preserve the Christian character of any assembly. He (the Duke of Argyll) believed that, after all, it was a question of feeling much more than a question of argument. He believed, that although those who opposed the admission of the Jews into Parliament had no wish to carry on any proceeding of persecution towards that people, yet that the feeling which actuated them was a remnant of those prejudices which existed in former ages, and which were wholly inconsistent with the existing facts and circumstances of the present day. There was one more argument to which he wished to advert before he closed his remarks. He alluded to the fact that the House of Commons had voted in favour of this question a great number of times. He could only say that he was as jealous as any of their Lordships of the honour and independence of their Lordships' House. Their Lordships were unquestionably entitled to maintain their high position and independence upon all questions in connexion with the interests of the State, and more especially in connexion with the interests of religion. Nevertheless, he did feel it right to refer to the fact he had stated; and he really hoped that the fact of this measure having been carried by a considerable majority of the House of Commons

—not in one Parliament only, but in different Parliaments, and under different Administrations—would convince their Lordships that the feeling with which they resisted this measure was at variance with the existing facts and circumstances in society; and would show them that a confident feeling pervaded the other House of Parliament that the only proper policy which they ought to adopt was to leave the electors of this country to choose for their representatives in Parliament whomsoever they pleased, being otherwise qualified according to law.

The EARL of WINCHILSEA said, he would detain their Lordships but for a few moments. In giving his most strenuous and determined opposition to the measure under consideration, he utterly disclaimed being influenced by personal prejudices against the Jews. So far from that, he thought it was impossible to reflect upon their past history, and witness their present dispersion throughout the world, without having every feeling of Christian charity excited towards them. The question before their Lordships was one which affected the Christian character of the Legislature of this country; and they were now asked, as a Christian Legislature and a Christian people, to surrender their distinctive religious principles, and remove them altogether from the Statute-book, for the purpose of admitting to seats in Parliament, and to the exercise of legislative functions, those who denied the very foundation upon which their religion rested—the divinity of the Saviour. Now, what had been the cause of the severe and heavy judgment which had fallen on the Jewish people? It was the denial of that very Saviour and God who died for their salvation, whom they spurned, and whose advent was the greatest blessing the earth had ever witnessed. It was for this that the judgment of the Almighty had fallen so heavily upon that race. But it had been urged that the question was one of freedom to choose their representatives on the part of the electors of this kingdom, and that the exclusion of the Jews from seats in Parliament was a restraint upon that freedom of choice. He (the Earl of Winchilsea) contended that it was no such thing. Were there not other restrictions upon the choice of the electors as well as this? Were there not the restrictions of age and property? All he asked was, that the Christian character of the Legislature of this nation should be maintained and defended; for the Jews still remained a peculiar people, and he thought it would be a fearful act to declare in the face of Heaven that those who had committed the act which God had so severely punished should form part of a Christian Legislature. He said, therefore, to the Jews, "We cannot permit you to legislate or frame our laws for us, because you deny the very foundation on which those laws now rest." He did think that if their Lordships consented to this measure they would thereby inflict the severest blow that had ever been dealt against the religious interests of this country. And he warned the right rev. Bench, that if this measure should ever be carried by their votes, the feelings of the people of this Christian country with regard to the views of that right rev. Bench, who had been placed in the station that they held within the walls of their Lordships' House to guard the best and dearest interests of the land—if ever the day arrived that they abandoned that sacred duty, so sure as he now spoke, and so sure as that day arrived, the country would cry out, and justly cry out, for a separation of the Church from the State, and those right rev. Prelates would no longer occupy the station they now held in that House. For himself he honestly declared, that if ever the day arrived when that question should be mooted in consequence of the measure before their Lordships being carried by the votes of that right rev. Bench, from his heart and soul it should receive his support.

LORD BROUGHAM said, he thought that his noble Friend who had just sat down laboured under a somewhat needless alarm. He much feared, he greatly grieved to say, that it was not probable the votes of the right reverend Prelates would enable Her Majesty's Government to carry the present measure through Parliament. He wished that he could partake of the alarm of the noble Earl. But he could not at all share in it; for he very much feared although some considerable portion of the right reverend Bench would be found to support the Bill, that would not be the case with the greater number. There was another point on which he differed from his noble Friend who last addressed their Lordships. He could not at all join in the apprehensions entertained by many persons, for whose conscientious feelings on this subject he had the most profound respect, that if this measure should pass, it would stigmatise the divine religion which they professed, and unchristianise the Legislature. His noble Friend must surely be aware of what had been done in past times by the Legislature, and the concessions it had made on questions of this kind, and that, notwithstanding these concessions, up to the present day the Legislature had remained as Christian as it was before; and during all the long time to which he referred, the country too had been as much within the pale of Christianity. His noble Friend must be aware that the admission of the Quakers to take the oath of abjuration without the words "on the true faith of a Christian"—the words which alone excluded the Jews—took place upwards of a century ago; and upon what ground was this omission and other concessions made in behalf of that most worthy and amiable sect? Upon the accession of the illustrious House of Hanover to the throne of these realms, the words in question were left out of the abjuration oath for the relief of the Quakers; but other words were retained in that oath, which the Quakers at that time took, and continued to take for six or seven years, with some scruple and great reluctance. The oath began with these words, "In the presence of God, the witness of what I affirm." Now, according to the argument of his noble Friend, and those who thought with him, here was to a certain extent the objectionable process of the Legislature giving up that which kept Deists out of Parliament, but still requiring that they should be Deists, that they should believe in a God, by retaining the words, "In the presence of God." Well, what happened six years afterwards—he thought in the year 1721? The Legislature then proceeded to strike out the words "In the presence of God," just as it had before struck out "On the true faith of a Christian;" so that, having by the first omission allowed the Deist to sit, and take the oath, by the second they went further, and allowed the Atheist to sit. And just observe for what reason this further relief was given to the Quaker—for this showed how entirely it was a civil and political matter, and not a religious one. The reason of the second Act to which he was referring was not the one which the noble Earl who moved the Amendment supposed, namely, that the Quakers and the other sects were favoured because, although differing with us, they were yet religious persons, and Christians, too, of their own kind. The Act of Parliament alleged no such ground for the relief which it gave. It said no such thing as that—"Whereas the Quakers, since the year 1714, when the words 'on the true faith of a Christian' were left out, but the words 'in the presence of God' were retained in his affirmation—"whereas the Quakers have been very religious persons, very moral persons, and very good Christians of a kind, of their own kind, and according to their own views," which was the supposition of the noble Earl who moved the Amendment. But no such thing. The Act said, "Whereas they have proved themselves to be loyal and peaceable subjects, and faithful and zealous supporters of the House of Hanover." Therefore, for civil, for political reasons, with secular and temporal views entirely, and without a word about religious or spiritual views, the second change was made, by which, strictly speaking, Atheists might be admitted, the first change having admitted Deists; and this was done in favour of the Quakers, who, God knew, were neither the one nor the other. But it was said that, being Quakers, that was a security that they were Christians. But then the words, "I being a Quaker," were left out also, so that they were not then called to affirm as Quakers, although by a subsequent Act they were required to affirm that, which was some security for their religion. But that was not to be found in the original affirmation, and was not introduced for 100 years afterwards; and yet all that time the country and the Legislature remained as little unchristianised as before. Heaven forbid that he should join either directly or indirectly, by a declaration on the face of an Act of Parliament, or by the enactments in any statute, in any the slightest approach towards showing either irreverence to that sacred religion which they not only professed but believed, or disregard of those conscientious feelings which their fellow Christians there and elsewhere entertained! It was not with that view—it was not, he hoped and trusted, with the possibility of showing his disregard either to the one or the other—that he should join in again giving his support to this Bill. It was most satisfactory to reflect that, upon every occasion when this question had been before their Lordships, there had, in the first place, been no asperity and no party feeling shown on either side of the House; and, in the next place, that there had been even among those who entirely differed with the advocates of this measure, no want of friendly feeling evinced towards that most respectable, and he would add amiable, body of men, the Jews. He called them amiable as well as respectable, because they were men zealous in all good works; and no one who in this great town was acquainted with the charities which adorned it, and with those who supported them, could feel otherwise than lively gratitude for the assistance which all those institutions constantly received from members of the Jewish persuasion according to their means; and in this their conduct, he was afraid he might add, was easier to be admired than imitated, for their beneficence was liberally and generally bestowed, without the least regard to differences of religious creed.

Lord COLCHESTER was understood to say that the question before the House did not merely concern a technical form of words, but involved the substantial, and he believed indisputable, principle that no man should enter a Christian Legislature unless he was a Christian. There was, in his opinion, no analogy between the case of the Quaker and that of the Jew, because it was well known, and notorious at the time that the Quaker was relieved from disability, that he professed Christianity. He therefore felt it to be his duty to oppose this Bill.

On Question, That ("now") stand part of the Motion, their Lordships then divided:—Content, Present, 69; Content, Proxies, 46; Total, 115: Not-Content, Present, 96; Not-Content, Proxies, 68; Total, 164: Majority, 49.

List of the Content.

Present.

The Lord Chancellor

ARCHBISHOP.

Dublin.

DUKES.

Argyll
Cleveland
Leinster
Newcastle
Wellington.

MARQUESSES.

Anglesey
Breadalbane
Clanricarde
Ormonde.

EARLS.

Aberdeen
Airlie
Albemarle
Bessborough
Bruce
Burlington
Camperdown
Carlisle
Clare
Clarendon
Cottenham
Cowper
Craven
Gosford
Grey
Sefton
Somers
Wicklow
Yarborough.

VISCOUNTS.

Canning
Enfield
Sydney.

BISHOPS.

Hereford
Manchester.
Norwich
St. David's.

BARONS.

Arundell
Ashburton
Beaumont
Brougham
Broughton
Byron
Camoys
Campbell
Colborne
Congleton
Cremorne
Dufferin
Elphinstone
Foley
Glenelg
Hatherton
Leigh
Londesborough
Lyndhurst
Manners
Milford
Monteagle
Overstone
Panmure
Petre
Poltimore
Rossmore
Say and Sele
Stafford
Stanley of Alderley
Suffield
Wodehouse.

Proxies.

DUKE.

Grafton.

MARQUESSES.

Conyngham
Donegal
Headfort.

EARLS.

Ellesmere
Errol
Fingall
Fitzhardinge
Fortescue
Glasgow
Kenmare
Lindsay
Radnor
Rosebery
St. Germans
Scarborough
Stair
Strafford.

VISCOUNTS.

Clifden
Massereene
Torrington.

BISHOPS.

Chester
Durham
Limerick.

BARONS.

Alvanley
Auckland
Bolton
Cloncurry
Cowley
Dacre
Denman
De Mauley
Dormer
Dunfermline
Godolphin
Howard de Wald
Holland
Lurgan
Lovat
Lyttelton
Monson
Morley
Portman
Truro.

Resolved in the *Negative*, and Bill to be read 2^{a} on *this day Six Months.*

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, April 29, 1853.

Minutes.] Public Bills.—2° Sales of Bullion; Entails (Scotland).
3° Aggravated Assaults.

SEIZURE OF WARLIKE STORES—M. KOSSUTH.

Sir JOSHUA WALMSLEY: Sir, I beg to ask a question of the noble Lord the Secretary of State for the Home Department relative to the statements that have been made connecting the late Governor of Hungary, Louis Kossuth, with the seizure of warlike stores at Rotherhithe. It will be in the recollection of the House that when I asked a similar question about a fortnight since, I was informed that legal proceedings were then pending; and, in consequence of that answer, I read a letter or communication from M. Kossuth, in which he unequivocally stated

Lord Brougham

that he had no connexion, either directly or indirectly, with any warlike stores or arms in this country. But as statements arising out of this question are gaining credence in the Metropolis, to the great injury of the late Governor of Hungary, I beg now to ask the noble Lord the Home Secretary, whether the legal investigation into the seizure of arms or warlike stores at Rotherhithe has resulted in substantiating the charges or insinuations that Louis Kossuth was connected therewith; and whether the police have been employed to watch the residence of Louis Kossuth, or the houses of other political refugees?

Viscount PALMERSTON: Sir, the House is of course aware that one of the proceedings before the magistrates at the Bow Street police office in regard to the seizure of gunpowder is closed, and that a decision has been given. With regard to the other proceeding, upon the case of the rockets, the magistrate at Bow Street interrupted the proceedings, stating that he thought they ought to be pursued before another tribunal. The hon. Gentleman asks me what is the result of the latter proceedings, as regards certain imputations cast upon M. Kossuth? Really I cannot do more than say that that which has hitherto passed in the proceedings is before the public, and every man will form his own judgment upon that which has been stated in evidence. When the further proceedings, which have been pointed out by the magistrate, shall have taken place, and the case is entirely finished, then the public, of course, will have before them grounds for forming their own judgment. With regard to the second question, it is the duty of the police, according to their general and according to their special instructions, to watch the proceedings of any persons, whether Englishmen or foreigners, who may be supposed, rightly or wrongly, to be contemplating any breach of the laws of England; and neither the house of M. Kossuth, nor of any political refugee in this country, can be exempted from those ordinary precautions which may be taken with regard to any individual, whether he be a British subject or a foreigner.

Mr. BRIGHT: I observe, Sir, from the answer of the noble Lord on the former evening, as well as on this, that he wishes it to be assumed that this case is merely one of the ordinary cases which arise in a police office in London, where somebody goes before the magistrates and makes a declaration that certain things are being done contrary to law; on which, as a matter of course, the police are introduced to take cognisance of them. But I want to ask the noble Lord whether the proceedings taken by the magistrates and the police in this matter were not, in the first place, initiated by, or did they not arise from direct or indirect instructions from, the department of which the noble Lord is the chief? I am not at all afraid to say what my object is in wanting to know this. I want to know it because I see that the noble Lord, in his answer to a similar question the other night, and in his answer now, has taken a course which, in my opinion, is not becoming his position, and not becoming the Government of this country, with regard to Kossuth. I have never seen Kossuth since he was in Manchester a year or two ago—I have never seen him or spoken to him since he came to London; and I am now acting as I would act if the case were that of the humblest instead of the most distinguished of the Hungarians. You speak in this House and in the other House of Parliament as if you intend to offer a refuge here for exiles from foreign countries; and you allow Kossuth to live here. But it is feared, and indeed it has been stated broadly in the public press, that either directly or indirectly you set, or permit to be set, spies upon his house, and upon all persons who go into that house, or who are supposed to have any communication with him. Then you seize, by the police, certain warlike stores at Rotherhithe. The newspaper which is the great organ of the Government publishes the most defamatory charges with regard to Kossuth. The noble Lord, who must know all the facts as much as any man in this kingdom, is asked in this House, not to tell all he knows, but when asked distinctly, "Is there any evidence in your possession which can connect, or does connect, Kossuth with the proceedings at Rotherhithe?" the noble Lord rises in his place, and he speaks in an evasive manner. He says, "I do not cast any imputations upon Kossuth, or upon anybody else." No, of course not; but the noble Lord allows these charges to go forth to the world. He is the man of all others who can do justice to Kossuth in the matter, if he has been ill-treated, as I believe he has been; yet the noble Lord abstains purposely. That is evident. Whilst he cannot certainly bring home these charges against

Kossuth, he studiously avoids saying anything that can lead the public to believe, or to feel, that there is really no evidence whatever against him. I do not think that is the way we ought to treat any exile in this country. My own opinion of Kossuth is, that he honestly intends to obey the laws of the country whilst he is in this country; and, further, we have his own express declaration, as a man of honour, which I believe has never yet been challenged, that he is in no degree connected with these transactions. Then, I say, while these charges are being circulated, if there be any evidence of them, it is the business and the duty of the noble Lord to say so. If such evidence is forthcoming at any future time, let Kossuth be amenable to the law, as any other man would be who breaks it. I want to throw no shield over him; but, sitting here, I will not be a party to a studied evasion, which is intended to damage the character of Kossuth, when there is not a particle of evidence that he is connected with these transactions. I wish, therefore, for the noble Lord to say whether the Home Office instigated these proceedings, or whether there is any evidence to show any connexion between Kossuth and the making of warlike stores, or with any infraction of the laws of this country?

VISCOUNT PALMERSTON: I cannot help expressing my extreme surprise, Sir, at the ignorance of the hon. Gentleman as to those constitutional principles which ought to govern, not only a Minister of the Crown in this country, but every Member of this House. The hon. Gentleman takes me to task because I have not chosen to answer a question which no man had a right to put to me. The question which the hon. Gentleman asks is, what is my opinion as to the effect, and as to the possible or probable result, of the judicial proceedings which are not yet terminated? Sir, if I were to give an answer to that question, I should be very greatly departing from my duty. I should be doing that which neither I nor the hon. Gentleman himself has any right to do. Investigations and proceedings before a court of justice are going on; the result of those proceedings will explain themselves; and it is not for me nor for any other man to say what the effect will be upon any individual of those proceedings when they may be completed. So much for the constitutional knowledge of the hon. Gentleman. Then the hon. Gentleman asks me whether these proceedings were authorised, initiated, or directed by me. They were. I am not the man to do anything and then shrink from the responsibility. I shrink not from the responsibility of any act which I may think it my duty to undertake to do. As to refugees, they are, while in this country, as free as the air they breathe—as safe as the land they tread; but upon condition that they shall not violate the laws of the country, nor abuse the hospitality which this country throws over every man who may seek shelter from oppression abroad within its limits. But I hold it to be the duty of the Secretary of State, if he has reason to think that any man, whether a foreigner or a British subject, is contemplating a violation of the laws, or is likely to abuse the shelter which has been granted to him by the hospitality of the country, to take steps to obtain such information, and to adopt measures for the punishment of any man, be he Englishman or foreigner, if he violates the law, or renders himself amenable to any tribunals of the country.

MR. BRIGHT: I must be permitted to explain. The noble Lord assumes that I asked him a question about the proceedings that are pending with regard to Mr. Hale, whereas I asked him a question with regard to Kossuth, because I felt that he had been charged unjustly. If the charge before the magistrates had been against Kossuth, I should not have asked the question; but it was against Mr. Hale—and there is the distinction. Kossuth, who was entirely outside, was charged by a powerful Government newspaper with a great crime. I was, therefore, justified in asking the question, both by the practice of this House and the constitution.

MR. COBDEN: I have yet to learn, Sir, whether, according to the constitutional practice of this House, it is not competent for any hon. Member of this House to ask the Secretary of State for the Home Department, in his place, questions with regard to the conduct of the judicial or magisterial authorities of the country. I know nobody responsible to this House for the proceedings of magistrates but the Secretary of State for the Home Department; and certainly I have never heard this plea of constitutional rule set up before. I have heard a question put to the noble Lord with regard to an unfortunate female, and I heard from the noble Lord a not very grave or fitting answer in reply; but it was not said by the Home Secretary that it was unnecessary to give explanations of the conduct of the magistrates in that case. And in this, if Mr. Commissioner Mayne sets spies before my house, instead of before M. Kossuth's—and he has as much right to set them before mine as before his—then surely there is nothing unconstitutional in an hon. Member's rising—after giving notice, as did the hon. Member for Leicester (Sir J. Walmsley)—to ask what such a proceeding meant. I think, therefore, that the answer given by my hon. Friend the Member for Manchester (Mr. Bright), and the noble Lord's taunting him with ignorance of constitutional law, looks very much like an attempt to avoid the question. But the noble Lord has not, after all, been so cautious as is his wont, for he admits that the instructions emanated from the Home Office, so that of course the House holds him responsible to them for his conduct in the matter. This, then, is no ordinary case. If the police have been set to work by the noble Lord to watch the house of Kossuth, or indeed of any other individual, we may reasonably presume that the noble Lord has information about the individual whom he orders to be watched, such as warrants his giving those instructions; and if the noble Lord has such information, we have a right to ask him for it, and to demand to know on what grounds he takes these proceedings. [*Cries of* "No, no!"] Do not let hon. Gentlemen opposite unnecessarily approve such a course; do not let them put themselves in the position of supporting Austrian influence against an unfortunate refugee. If you [*addressing the Opposition*] are anxious for office, you will be quiet in this matter; you will gain no popularity in the country by this. What I want to know is this, Are the boastings of this country that we are different from Austria, that we are not like the French, with or without foundation? Are they boastings, or are they realities? If they are realities, we do not expect that when an illustrious refugee comes for protection to our shores, our own Government will set the police as spies before his doors. What, I ask, has he done? What is the information which induces the noble Lord to have those premises watched? And where did the noble Lord get that information? The noble Lord may be sure the matter will not rest here. He has said too much to let it rest where it is; and if he will not answer now, he may be sure he will be asked again on what information he has given his instructions to the police, whether that information turn out to be well founded, according to the subsequent inquiries, and whether he now feels justified in the proceedings he has adopted.

Mr. PHINN said, he could not but regret the tone the discussion had taken. No man could know better than the noble Lord that a constitutional jealousy of foreign Powers interfering in this country was a feeling that must be permitted in either House of Parliament. When they found this circumstance following so closely on the renewed and reiterated remonstrances of Austria with reference to the Hungarian exiles in this country, Englishmen were necessarily touchy and jealous on the subject. If proceedings were to be taken in Courts of Law, no doubt reserve was justifiable; but this matter had now been before the public for a fortnight; it had been announced to them as though some great secret of State, of some frightful conspiracy, was to be brought before the public. Now it had dwindled down to a mere police information as to an improper quantity of gunpowder or rockets being found on certain premises. He wished to ask the noble Lord whether he intended to take proceedings against Kossuth. Charges of this kind ought not to hang over the head of any man without being brought to some speedy issue or determination; least of all over the head of an exile, who must and did receive much commiseration from a very large number of people in this country. If the proceedings had been instituted against Kossuth, the noble Lord's answer would have been a perfectly correct one. But they were initiatory proceedings against the Hales, who were to be brought to trial; and with regard to them, it was quite right that the information should be reserved. But an opportunity had been taken, unfairly, unjustly, and unnecessarily, to those proceedings, to introduce the name of Kossuth, when he had no opportunity of giving an answer; and on that ground the noble Lord was bound to intimate to the House whether or not it was his intention to institute proceedings against that illustrious refugee, towards whom so considerable a portion of the community felt strong sympathy and commiseration.

Mr. FITZSTEPHEN FRENCH, said, he could not but express his surprise that any such attack as they had witnessed that evening should have been made upon a statesman who had done more than any other Minister of past or modern times to exalt the name of England, and to make it honoured and respected, not only amongst Continental nations, but throughout the whole world. The reports which had been published in the newspapers of that morning furnished an ample vindication of all that had been done in this matter by the noble Lord at the head of the Home Department. It could not be denied that the evidence which had been brought forward in the course of the investigation before the magistrate at Bow-street, was of a highly important and significant character; nor should it be forgotten that the only answer they had heard to that evidence was the personal opinion of the hon. Member for Manchester as to the purity of M. Kossuth's intentions. That opinion was, no doubt, given in all sincerity; but it should be remembered that the hon. Member, according to his own statement, was not on terms of intimacy with M. Kossuth, and had no further knowledge of him than consisted in the fact of his having had an interview with him some time ago in Manchester.

VISCOUNT PALMERSTON: Sir, I am sorry to trespass on the attention of the House again, but I think those Gentlemen who have spoken, especially the hon. Member for the West Riding (Mr. Cobden), have entirely lost sight of the question which was put to me. I did not shrink from answering any question put to me with regard to my own conduct, and the question put to me on that subject I answered plainly and positively. But I was asked, in addition, what, in my opinion, would be the result with respect to one person of certain proceedings instituted against another? I declined answering that, but I said, "Wait till this is over, and then the investigation will answer itself." With regard to what was said by the hon. and learned Gentleman the Member for Bath (Mr. Phinn), and by the Member for the West Riding, as to the proceedings instituted against Mr. Hale, I have only to say that those proceedings, in reference to the manufacture of rockets, are pending and will be continued. No proceedings have been instituted against M. Kossuth. I have brought no charge against M. Kossuth. I have never mentioned his name in this matter. I was asked questions for the purpose of inducing me to mention his name, but I did not. I have brought no charge against M. Kossuth, and I beg to add that I am not responsible for anything that may appear in any of the newspapers.

Mr. F. French

LORD DUDLEY STUART said, the first answer of the noble Lord was a mistake, and not the first into which he had fallen. He had been under the necessity of correcting his statement, that Hale had 500 lbs. of gunpowder in his possession, when it turned out that he had not half that quantity. He said the first part of the case against the Hales was closed. That was not quite correct. The police magistrate had given his decision; one that had astonished a great many persons well able to judge; but Mr. Hale intended to appeal to a superior Court, and that decision might be set aside. It turned out that the person in whose possession the powder was found was a manufacturer, and as such had a right to have almost the quantity that was found—within about *5l.* 14*s.* worth. All that the warmest friends of foreign refugees could claim was, that they should be treated exactly the same as Her Majesty's subjects. But the noble Lord admitted that some of these refugees were subject to that which could not be expressed in English—a system of police surveillance. At least the noble Lord refused to state that the police had not been directed to watch some of these persons. The police haunted their steps, watched their going out and coming in, took notice of everybody coming to their houses, and insinuated themselves in disguise as servants. This might be done to foreign refugees; and the noble Lord had also stated, not long ago, that the law was the same with regard to British subjects, so that not only Kossuth, but every one of themselves, was subject to be treated in this manner; and we could not tell whether any one we employed might not be a detective or a policeman in disguise. But would Englishmen, when they knew it, be long content to live under such a system as this? He thought not. When it came to be known that we were all subject to this system of police surveillance and espionage, such a feeling would be raised in the country as would make it inconvenient for any Government to continue to sanction such proceedings.

Subject dropped.

FINANCIAL STATEMENT—THE BUDGET —ADJOURNED DEBATE.

The House in Committee of Ways and Means; Mr. Bouverie in the Chair.

Question again proposed, "That the words proposed to be left out stand part of the proposed Resolution."

Mr. G. H. MOORE said, nothing had surprised him more during the progress of this debate than the diverse and contradictory grounds upon which the advocates of the present Budget had rested their arguments. They appeared to unite in a harmonious discrepancy of opinion, which he had imagined was the special prerogative of Her Majesty's present advisers. The hon. Member for Montrose sepported it because it perpetuated direct taxation. He regarded the income tax as his child—and, though a somewhat unruly one, he clung to it with parental fondness. *Esto perpetua* was his wish and prophecy, and he accordingly supported a plan which he thought would render it perpetual. The hon. Member for Malton, on the contrary, approved of the present Budget, because, according to his ideas of financial navigation, "this was the first time since we had embarked on the sea of the income tax that we had seen land—the first time that there was a reasonable prospect of coming to an end of the tax." He supposed the ideas of the hon. Gentleman were founded on the principle that "distance lends enchantment to the view," for on no other ground could he understand how removing the object seven years off could make it appear nearer, even to the telescopic vision of the hon. Gentleman. To be sure *Bob Acres* in the play declares that "the farther his adversary is from him the cooler he will take his aim;" and the hon. Member for Malton seemed equally anxious to bring down the income tax "at a long shot." The right hon. Baronet the Member for Portsmouth, for whose generous and conclusive advocacy of the interests of Ireland the Irish people had every reason to feel grateful, supported the renewal of the income tax on the express understanding that at the end of the seven years it was to be extinguished. The hon. Member for the West Riding, on the other hand, supported it on the express understanding that at the end of the seven years it would be renewed. But there was one thing in which all of them agreed, and that was in dissenting altogether from the views and principles of the Chancellor of the Exchequer on which the whole Budget was based. If there were men in the empire thoroughly opposed to each other in moral, mental, and spiritual constitution, it was the Chancellor of the Exchequer and the majority of his present supporters. They did not sympathise with him—they did not appreciate him—they did not understand him. He was a mystery to them, but they supported his Budget. They said that they supported it as a whole—that was their watchword. But it was not as a whole that they voted for it, but because of something in it. The probate and legacy duty was the scent that gathered their wings round the Budget—it was the oil of rhodium which gave a savour to the whole, which attracted the rats out of the stack, and to get at which they would swallow anything—though it were dirt or poison. Now, as to the views and opinions of the Chancellor of the Exchequer, on which the Budget was founded, there could be no mistake whatever; he had been unusually distinct and explicit in the enunciation of his sentiments. In his opinion—

> "It is perfectly plain that the income tax is not well adapted for a permanent portion of our financial system, and it is on all hands agreed that it is not well adapted for a permanent portion of our financial system, unless we can by reconstruction remove its inequalities. The general views of Her Majesty's Government with respect to the income tax are, that it is an engine of gigantic power for national purposes; but that there are circumstances attending its operation which make it difficult, perhaps impossible, to maintain it as a permanent portion of the finances of the country. The public feeling of its inequality is a fact most important in itself; the inquisition it entails is a most serious disadvantage, and the frauds to which it leads are evils which it is impossible to characterise in terms too strong."

Well, it had been alleged that some of the speakers on that side had spoken in condemnation of the income tax altogether, as much as in support of the Resolution proposed by the hon. Baronet the Member for Hertford; but it struck him (Mr. Moore), that from no one, at any part of the discussion, had he heard any expressions more strongly condemnatory of the income tax altogether, more strongly in favour of the Resolution before the House, than the words he had just quoted from the lips of the Chancellor of the Exchequer. And yet this tax, which the right hon. Gentleman designated as unfit for the ordinary circumstances of the country, he proposed to re-enact under circumstances—if he might use the word—extraordinarily ordinary—and at a period which one would suppose more fitted for putting in operation the ordinary fiscal system of the country than had ever been remembered in the memory of man. Oh! but then it is only for seven years. Only seven years! Why, seven years was a little eternity in the history of finance. But the question, whether for seven years, or for seventy times seven, was still the same. Was it better to have for seven years a sound, just, and rational income tax that the sense of the country approved, or an income tax which was unjust, unequal, and oppressive, and which the sense of the country condemned, for the same period? Here you had been exclaiming against the income tax as it stands; for more than seven years already you had declared it to be unjust, unequal, inquisitorial, and oppressive; and here we had a Chancellor of the Exchequer who avowed to you that it is unjust, oppressive, inquisitorial, and leading to enormous frauds; and you at once consented to this because it is only for seven years. Injustice, but only for seven years—the inquisition, but only for seven years! Fraud, continual, necessary, and systematic, but only for seven years. Just the period allotted for learning any other trade. Why, did they think that the people of England would believe them when they told them that they had consented to the continuance of all that Englishmen regarded with the greatest abhorrence, for no other reason than that it was only for seven years that they were to continue? And for what purpose was this colossal engine of national exigency to be kept in full work in these piping days of peace? If the Chancellor of the Exchequer had been of opinion that England was now so wealthy and prosperous, that she would lay up something over and above our usual burdens, in order to pay off the debt we had contracted in times of difficulty, such a proposition, although it would not be likely to find favour with the House, would, at all events, be in accordance with the right hon. Gentleman's opinions. But, so far from this being the case, the right hon. Gentleman proposed that we should continue, at a period the most happily adapted for the ordinary financial system of this country, a tax which he considered utterly unfit for such circumstances and such a system, and for the purpose of reducing taxes which did form part of the ordinary system of the country, and to which, in principle, the right hon. Gentleman did not venture to state any objection. Every one who heard the right hon. Gentleman's magnificent exposition of the nature and the functions of the income tax must have been carried away, if not convinced, by that noble argument—must have surrendered for a moment his reason prisoner. He described it as a great and precious resource in times of difficulty, but most inconvenient and oppressive in times of peace. He held it up to us as a tried and proved panoply of steel that had protected us in the day of battle beneath its cumbersome but impenetrable folds, and he warned us to lay it by in times of peace, and not to tamper with a link or a rivet of the good armour that had shielded us so well; and then, coming down with a bathos unparalleled in the great efforts of the human understanding, he coolly proposed, as if it were an ordinary consequence upon these premises, that we should continue for seven years to wear this coat of mail, this iron shirt, for the purpose of saving our every-day clothes. We were to continue a system full of injustice, oppression, and fraud, in order that the right hon. Gentleman might have an opportunity of dabbling with existing taxation. And upon what grounds did the right hon. Gentleman proceed to prove the probability of the income tax being repealed in seven years? On what ground did he assert that we should be better able in 1854 than we were now to reduce the income tax from *7d.* to *5d.* in the pound? He said that even since 1842 we had reduced the national debt 80,000*l.* annually. Yes, and annually increased our expenditure by millions. Why, the estimate for the present year was a million more than the last, and yet we were told that 80,000*l.* a year would set it all right, and save the income tax. As for the 2,000,000*l.*, which we expected from the falling in of the long and terminable annuities in 1861, it had no more to do with our present expenditure, than the expectancy of any other anxious inheritor warrants him in tampering with his present finances. In short, it was almost idle to deal with the subject of the termination of the income tax in seven years, as in point of fact that consideration had nothing to do with the question before the House. Looking at the income tax in its relation to Great Britain, the two questions that arose were—first, whether the people of England were content to pay the income tax in order to obtain the remissions contained in the present Budget; and, secondly, if they chose the income tax, whether they prefered an indiscriminating or a discriminating, a just or an unjust income tax during the seven years that the impost was to continue. As regarded the first of these two questions—the choice of remissions—England stood between the two bundles of hay, and had only the agreeable difficulty of making her choice. But in Ireland, on the contrary, they were left in no such gratifying embarrassment. The proposition which was submitted to them was one of severe simplicity—that they should be taxed half a million more in order that other classes might be taxed half a million less. This proposal might be just and even generous, but it did not suit them; and because they demurred to the operation they had been assailed in terms which, for the credit of public opinion in England, he regretted should have been pressed into its service. He had heard of a body of medical students in a Dublin hospital, who hissed an unfortunate patient who refused to submit to a very painful but curious operation that they wished to see performed; and it appeared to him that that was an exact description of the relations of Ireland and the English public at the present moment. They had been called not only factious, but dishonest. As regarded the phrase factious, it was one which was always used by those that were in towards those that were out, and that being the case, they were likely to continue for some time under the imputation. But dishonesty was a serious charge, and one which Englishmen were not in the habit of using inconsiderately, except when they were very selfish and very much in a passion. He did not think their vindication against such a charge would be very difficult; but, whether factious or not, dishonest or not, they certainly were not singular in this matter; for he believed there never had been yet found a class, party, or interest in this country on whose shoulders it had been proposed to lay a burden, in order to shift it from the back of another, that had not stoutly, and to a man, resisted the infliction; and if such a class was to be found amongst the children of men, it would be found in the Irish Members who might vote to-night in favour of such an imposition. That being the case, they should approach the subject with patience and good humour, and endeavour to discover, not whether their motives were creditable, but whether they were justified in the opinions they expressed. Now it was incumbent upon those who advocated this Budget in its application to Ireland, to prove one of two distinct and separate propositions: either that Ireland was at present too lightly taxed, and ought to be taxed more; or that in this Budget Ireland would not be taxed more heavily than she was at present. He objected to those two questions being jumbled together; they were in their nature distinct, if not antagonistic; and they had a right therefore to expect that any hon. Gentleman who might address himself to this branch of the subject, and in particular that every Irishman who might take this peculiar view, would state explicitly on which of these two grounds he rested his opinion. Of his jumbling together two qustions totally distinct, the right hon. Member for Halifax, who concluded the debate last night, was a notable example. Some hon. Gentlemen on these benches thought the manner of the right hon. Gentlemen exceptionable. He must say sincerely that he differed from them in that opinion. He had always found the right hon. Gentleman extremely frank and good humoured in the expression of his opinions. He had always listened to him with a great deal of pleasure, which was certainly enhanced by the reflection that he did not hurt them much by his argument, however much he might in practice. But what he especially admired in the right hon. Gentleman was the satisfaction which he always appeared to feel in his own case, be it what it might. He did not mean merely that the right hon. Gentleman, after maturely weighing the merits of a question, and forming a strong opinion upon it, came down to the House with a firm conviction that his opinion was correct, and that he was well able to sustain it. No one was better warranted in that impression than the right hon. Gentleman. But, throw the right hon. Gentleman into any breach, no matter however indefensible, give him any materials, however meagre, a few scraps of paper with anything written upon them, a few marks in a blue book, no matter where, a few speeches to distil and dilute as he goes on—and he invariably delivered himself of his subject with an air as though he would say, "There, I have now exhausted the subject, I scarcely conceive that any one will even attempt a reply." The right hon. Gentleman somewhat amazed him, he must confess, when he appealed to him as to the opinion he had formed as to the conduct and even the secret intentions of the late Government, during an interesting passage of arms that occurred a few months ago; and as he seemed to set such store on his opinions, he would tell him frankly that he thought the hon. Member for Buckinghamshire defied them, and that the right hon. Gentleman himself deceived them upon that occasion. He said what he thought frankly then, and he said what he thought frankly now. Now, what was the proposition of the hon. Member for Buckinghamshire? In substance, although not in detail or in machinery, it was almost identical with that now proposed by the hon. Member's Government. He said, "I intend to extend the income tax in some respects to Ireland. The land now pays a tax equal to its share of the income tax in the consolidated annuities. I do not intend to assent to the recommendation of the Lords with regard to the remission of that load. Some proposition I shall certainly present to the House, modifying and equalising the pressure of that debt—but it will certainly not amount to the recommendation of the Lords. In the mean time I propose that the income tax shall be extended to other property in Ireland which has not been affected by the distress which has existed in that country." If this proposition were compared with that which was now propounded by Her Majesty's Goverment, it would be found that, although the details were different, and the machinery different, that as regarded its pounds, shillings, and pence application to Ireland, the result of the two propositions would be precisely the same. Well, he voted against the proposition, he spoke warmly against it. He spoke warmly, and he would vote warmly against this proposition upon the same principle of public duty. Now, he had stated that this question must be argued on one of two grounds, and that they ought to be argued separately. The rule he laid down for others he would pursue himself; and, addressing himself to these points separately, he undertook to show, first, that the Budget before him would add 350,000*l.* to the burdens that Ireland at the present moment barely sustained, and that, one way or another, it would be a loss to Ireland of little short of half a million of money annually. He had not relied upon his own knowledge and judgment for the figures which he should lay before the House. He had submitted them to the judgment of some of the most distinguished statistical and financial authorities; they had borne the criticism of some very critical opponents, and he had every reason to believe them to be substantially correct. But before he went into his facts or figures, he wished to allude to a view of the question which appeared to have puzzled the heads of some of his countrymen, and which the hon. Member for Carlow expounded with a lucidity worthy of his theme on Monday last. Admit, said the hon. Member, that we are to pay a paltry 350,000*l.* of additional taxation for seven years: that, multiplied by seven, gives less than two millions and a half; at the end of the seven years there will be an end of the income tax, and we shall have struck off 4,000,000*l.* of consolidated annuities, leaving us a clear gainer of a million and a half by the transaction. Now he (Mr. Moore) thought he should be able to show that this statement was founded upon an utter misapprehension of the case, totally setting aside the conceivable hypothesis that they should not have done with the income tax at the end of that interesting period to which all their hopes were to tend—not stopping to debate the proposition of the hon. Gentleman that they ought not to have done with it even then. The fact was that the extinction of the income tax at that time, or at any time, had nothing whatever to do with the question at issue. The question was one of the readjustment of the balance of taxation between England and Ireland. And if he should be able to prove that the proposition which had been maintained ever since the Union by the greatest financiers this country had produced, would be altered to the debt of Ireland of three or four hundred thousand pounds of annual taxation, what did it signify as regarded that change in the proposition whether the income tax were then extinguished in both countries, or in both countries were retained? The hon. Gentleman talked about mathematics; and he supposed he knew enough of that science, at all events, to be aware that the same quantity taken from both sides of the equation left the equation still the same. If the income tax were extinguished at the end of seven years, it would doubtless be supplied by other taxes applying to both countries alike; but even if it were not so, the alteration in the proportion of taxation between the two countries would be still continued. Whatever might become of the income tax, the loss to Ireland that that readjustment might involve would be permanent; and he trusted, therefore, that no Irishman would be seduced by this most shallow device into the delusion that any increase of taxation that by his vote to-night he might inflict upon his country would not be a permanent additional burden on its resources. He now came to his balance sheet, by which he found that Ireland would gain, through remissions or reductions of taxation—by the tea duty, 365,540*l.*; by apples, cheese, lemons, raisins, &c., 5,000*l.*; by 133 other articles reduced, 3,500*l.*; by 123 articles abolished, 2,650*l.*; amounting to 376,690*l.* To this must be added 28,894*l.* on stamps; and say, 4,000*l.* on colonial postage. This would make in all 409,584*l.* To this must be added the interest of the famine debt at 3½ per cent, amounting to 154,703*l.* He said the interest of the famine debt, for, regarding this as a permanent alteration of the balance of taxation, he must put down the sums that represent remissions permanently made, and not the equivalent annuities which of themselves extinguish the debt. Adding this sum, therefore, he found that the remissions made to Ireland amounted to the sum total of 564,287*l.* The additions to the taxation of Ireland were—income tax, 451,182*l.*; spirits, 198,000*l.*; legacy duty, 267,508*l.*—making in all, 915,690*l.* He was aware that the sum set down for legacy duty somewhat, indeed considerably, exceeded the sum calculated by the Chancellor of the Exchequer; but it was calculated, as he believed, on a sound basis—as he believed he could prove to the Committee, but that he feared to weary it with an unnecessary calculation—but even allowing for a trifling error in that part of the account, there would remain to the loss and debit, and, as he thought, the wrong of Ireland, 350,000*l.* of annual taxation under the provisions of the present Budget. To this must be added the loss to Ireland by the alteration of the butter duties, which, on the authority of his hon. Friend the Member for Cork, and other good authorities that he had consulted, he could not fix at less than 150,000*l.* He did not complain of this remission; on the contrary, he thought it was only carrying out the principles of a commercial policy which the country had deliberately adopted; but surely the circumstance of the loss sustained should be taken into consideration in taxation added, so that Ireland would lose altogether, as nearly as possible, half a million annually by the present proposition of Her Majesty's Ministers. He hoped any Irish Member who might support that proposition would apply his mind to these figures, and, if he could not show that they were wrong, that he would admit them as matters proved. But then came the second question—whether Ireland was not too lightly taxed in proportion to her capacity to pay—whether it was not just and generous—he thought somebody said generous—that an additional burden of half a million a year should be placed upon her resources in order to relieve the failing revenues of the English people? Now, he thought he could show not so much that Ireland was not too lightly taxed—for that after all must be a matter of opinion and conjecture—but that there were special and sufficient reasons why she should be exempted from the imposition of the income tax during the allotted years of its financial life. In giving this subject its patient consideration the House must bear in mind that this was a temporary tax on the one hand, and that Ireland was in a state of temporary depression, and at a period of change and transition on the other. The Chancellor of the Exchequer, by a process of ratiocination which he was utterly unable to follow, having arrived at the conclusion that it was expedient to keep the income tax in operation in England under the very circumstances and just for the period for which he thought the income tax most unfit, proposed also to extend it to Ireland under circumstances the very reverse of those which happily existed in England. Now, without entering into the facts and figures which his hon. Friends the Members for Cork and Dungarvan had so fully stated, showing the large burden of taxation, compared to her small and diminished capacity, which Ireland bore, there were two special burdens, both he hoped temporary, but both certainly present and pressing, under which Ireland laboured. First, there was the fact, which he did not now state in a spirit of controversy, and which he hoped would not provoke any, that Ireland at the present moment paid two separate contributions for the support of two separate Churches—one which she regarded as yours, and which you compel her to support; the other which she looked upon and supports as her own. That this state of affairs would undergo some serious modification before this weird period of seven years was out, he hoped and believed; and as all of them might attach a different meaning to that hope and belief, the expression did not necessarily call for any contradiction. But the fact was so. The fact weighed heavily on the resources of Ireland, and ought to be taken into consideration in a temporary tax brought forward by the present Government, who, if we were to believe their Irish friends, regarded this subject with anxious consideration. The second fact which he had to allege, was the temporary state of the poor-law.

He did not speak of that poor-law operation that must be permanent, and ought to be permanent in Ireland and in every country, but of that which was temporary, which had arisen out of extraordinary circumstances, for which there was no present remedy, and which must last for some years to come. They were now sustaining not only the ordinary pauperism arising from day to day, but that which had been bequeathed to them by the famine; which was in gradual process of absorption, but which it would yet take some years to absorb. If hon. Gentlemen would recollect that Ireland for the last four years had paid nearly one-seventh of her rateable income for poor-rate, while England for the same period had paid little more than one-twelfth, some estimate must be formed of the difficulties under which they were struggling. If this tax were to be regarded as a permanent burden on the empire, these considerations might not be deemed of so much weight; but to place a peculiar and temporary tax upon a country labouring under peculiar and temporary difficulties, he could not believe to be a proposition founded on political expediency or financial justice. But independent of, and far more than, any such considerations as these, he would entreat the House to reflect, in a spirit of justice, on the peculiar purpose for which the income tax was revived in 1842. In that year the Chancellor of the Exchequer told them that Sir Robert Peel called forth the grant that had shielded us in war, to assist our toils in peace, and that in his hands it produced not less memorable and enduring results by perfecting the reforms of our commercial system—in other words, it enabled us to repeal the corn laws. Now, "wise, just, and beneficial," as they had pronounced that change to be—and although ultimately he doubted not every class would share in its benefits—it would be admitted that some classes had not reaped so early or so greatly as others the blessings of its harvest, and Ireland at this moment was reaping the smallest share; and yet whose were the votes, generously and disinterestedly tendered to the people of England, to which they owed the advancement by many years of that measure? And yet the hon. Member for the West Riding, with an amount of ingratitude such as never before came from human lips, had ventured to assert that the Irish Liberal Members had always withheld their sympathy from the struggling liberties of the people of England. He would confidently

ask the hon. Gentleman to lay his finger on a single Motion for extending, enlarging, or perpetuating the rights of the English, that they (the Irish Members) had not supported, often with a zeal and unanimity that put English liberalism to shame? There were hearts so cold and selfish that they never knew the value of friends until they lost them. They might yet teach the hon. Gentleman such a lesson, and bring him to his knees, as they had brought prouder and better men. If the Liberal Members for Ireland had been actuated by a shortsighted selfishness in 1846, and joined the opposition to Sir Robert Peel on his great financial measure, how many years might not their opposition have delayed free trade? The English were now enjoying the heaped-up abundance which they owed to their generosity and sacrifice. The Irish were struggling out of a sea of troubles, which the law that they secured to England had not tended to decrease; and they now ask to crown their already brimming wine cup out of the lees of Ireland. This was a question of the readjustment of taxation, and they were called upon to alter the proportion which, at a moment of comparative difficulty in England, and comparative prosperity in Ireland, Sir Robert Peel thought a fair one, by remitting half a million of taxation to England in the hale health of her abundance, in order to place that taxation upon the bent back of Ireland in the very crisis of her convalescence. That question he would consent to leave to an English jury unperverted by party considerations. But Irishmen also had to decide upon the matter, and if, on this occasion, Ireland was to be roasted, Irishmen, as usual, would have to turn the spit. If any such turnspits there be, they appeared to be divided into two classes—the hopefuls and the thankfuls—and to each he would take the liberty of addressing a word. Among the hopefuls the hon. Member for Carlow appeared to be distinguished for industry and courage of a slow but enduring character. There was an old Scotch saying that spoke of a faithful clan that never deserted their chief, "neither for right nor for wrong;" and in that chivalry of servitude the hon. Member had certainly won his spurs. He thought, however, that his courage rather deepened into want of wisdom when he ventured to express suspicions of the motives of others, after the melancholy exposure which he had previously made of his own. He was surely rash if he imagined that they had yet forgotten the exhibition that he made, and the castigation that he provoked, but a few nights ago, when he stood forward to declare that he had intended to support the Motion of his right hon. Friend the Member for Manchester on the taxes on knowledge, but that he had changed his mind, and had resolved to vote against him as soon as he found that the right hon. Member for Buckinghamshire had the temerity to agree with him in opinion. The hon. Gentleman seemed to be one of those who "will not serve God if the devil bid him," and yet he was indiscreet enough to accuse others of partiality and prejudice. But the proof which he adduced was eminently characteristic. Hon. Members on that side of the House, who, in his opinion, were but indifferently informed on the subject of the South Sea Annuities, had yet ventured to give a vote in which he disagreed. Now, he could assure the hon. Gentleman that he had the highest respect and admiration for his own opinion of himself; every one who knew him must have. But the world had yet to learn of anything he had yet done, or said, or written—and he had spoken of his doings and his writings—which entitled him to speak of the capability of any given Member of that House with disrespect. And of whom was he speaking when he spoke thus? Did he allude to such men as his learned Friends the Members for Kilkenny or Dundalk?—of his hon. Friend the Member for Meath, of Dungarvan, or of New Ross, and many others that he saw around him—men who had carved their own name, and fame, and position out of the hard world before them by their own energy and intelligence, and owed nothing to timeserving or servility, whether hereditary or innate? As for the other hopefuls who sat—not looking very hopefully—behind him, if it were true that a dissolution would follow the defeat of Government, they were wise in their generation to keep them in. Their Parliamentary existence was that of the present Parliament, and he hoped, like "the busy bees," they would "improve each shining hour." So much for the hopefuls! As for the thankfuls, of which he supposed he ought to be one, they were those who belonged to certain distressed Unions in Ireland, and who had calculated that they would gain some 1½*d.* in the pound by the imposition of a tax of half a million on their country. Let them pause before they consummated such a deed as this. There was not a peasant who wrung a hard livelihood out of their broad acres who would not cry shame on such an act of national dishonour. It had been said that, as half of the consolidated annuities were paid by those on whom the income tax would not fall at all, this was a change in the incidence of taxation unfavourable to the landlord, but favourable to the tenant-farmer. But what had the hon. Member for the West Riding said, in reply to the right hon. Member for Buckinghamshire, when the right hon. Gentleman had advanced this proposition with regard to the abolition of the county rates in England? Why, that rates were a mere matter of rent, which eventually came out of the pockets of the landlord, and in which the tenant was not ultimately concerned. "Will any one venture to assert," said the hon. Gentleman, "that lands free from rates will not let higher than lands that are subject to them; and if that be the case, is it not the landlord that is the gainer?" Now, without going the length of that assertion, if it were true at all in England, how much more true was it in Ireland, in which the tenant was so much more dependent upon the will and caprice of the landlord? And what was the fact, as regarded the remission of the consolidated annuities? Was it not a question which had been almost exclusively taken up by the landlords of Ireland? He had been himself present at very many popular meetings in the west of Ireland, in which the principal grievances of the country were discussed. He had endeavoured to impress upon the minds of the people, on such occasions, the great wrong they suffered under this cruel imposition; but he had never been able to excite amongst them any strong feeling upon the subject, which he was certainly bound to attribute to the fact that they believed it was a matter of rent, and that it fell ultimately on the landlords, and not on themselves. The hon. Member for Carlow had said, truly, that the people of Ireland would not barter the right and liberties of their country for any consideration; and it was equally true that they would not allow those national rights to be bartered away by others. He, and those who acted wiith him, would go before their countrymen, were there a general election to-morrow, with confidence and triumph, while the hon. Member for Carlow and others would be shaking in their shoes. To the verdict of his countrymen in this matter, and to none more confidently than to the poorest of his countrymen, he confidently appealed; of that verdict he had not the slightest doubt, and he warned that hon. Member and his wiser associates, who sat more silently behind him, that this was the last Parliament in which the rights and liberties of the people of Ireland would be permitted to be sold.

Mr. J. BALL said, as the hon. Member who had last addressed the Committee had thought proper to attack him, and as he understood another hon. Gentleman intended to do so—[*Cries of* "Spoke, spoke!"]—he did not desire to waste the time of the Committee, but he trusted that he might be allowed to say one word in reply. He confessed that it did not appear to him altogether creditable or honourable to Ireland, that when Irishmen differed in opinion, they generally thought it necessary to indulge in personal insinuations, and to impute base motives to those who differed from them. If he could condescend to imitate the tone of the hon. Gentleman who had just addressed the Committee, he perhaps might succeed in saying disagreeable and offensive things—he might succeed in inventing imputations. He would simply say this—he was of course unknown to the great majority of that House. But, although unknown, he believed the humblest Member was entitled to defend his personal honour. Although unknown to the House, he was content to allow time to settle the question so far as he was concerned. He would allow hon. Gentlemen to say as offensive and disagreeable things as possible. He would allow their speeches to go over to Ireland, and was satisfied they would not have the slightest effect so far as he was personally concerned.

Mr. JOHN MACGREGOR said, the immediate question before the Committee was the imposition of the income tax for a period ending in 1860. He agreed with his right hon. Friend the Chancellor of the Exchequer in regarding the income tax as an engine to work great effects; and, in his opinion, it had already done so. It enabled us to maintain our national credit in 1842, and to overcome the calamities consequent on bad harvests in 1845-1846; and he would say more, that if ever a country ought to be grateful for the benefits derived from the income tax, that country was Ireland. With respect to the manner in which the income tax was levied, he would say unhesitatingly that it was not so fairly and equitably levied as it ought to be. He had endeavoured, by various calculations, to arrive at a more equitable mode of assessing this tax; but he regretted to say that the more nearly he approached an equitable mode of assessment, the greater he found the difficulties that would attach to its collection, and the more inquisitorial would be its operations. He still believed, however, that they might render the tax approximately more just than it was at present. The whole income tax now proposed would not exceed 6,500,000*l*., and in imposing that tax the Chancellor of the Exchequer proposed to deal with the soap duties, the tea duties, with the spirit duties, and with a variety of other taxes on articles of consumption, yielding a revenue of 32,000,000*l*., and he did not think it would be a great hardship on those who had the ability to pay to contribute for seven years an income tax of 6,500,000*l*. He, however, trusted the income tax would not terminate in 1860, and that before and after that period the Government would be able to remit many taxes much more objectionable. He fully approved of the abolition of the soap duties. He considered a partial reduction of Excise duties most objectionable, because such reduction did not remove the restrictions on trade, and give the consumer the full benefit of the change. It was on that ground that he last year opposed the reduction of the malt tax, believing, as he did, that the consumer would not derive any benefit from the reduction. With regard to the objections that had been made to the extension of the income tax to Ireland, he regretted that the hon. Members from that country who had spoken upon this subject, had placed themselves in such a humiliating position as they had done in resisting the just proposal of the Government. He fully admitted that Ireland had been subjected to great oppression by misgovernment, and regretted that the Act of Union had not, at the same time, been accompanied by the removal of religious disabilities and the establishment of the principles of political and civil liberty in that country. At the time of the Union the debt of Ireland amounted to about 30,000,000*l*.; but between that period and 1816 it was increased to about 130,000,000*l*. The then Chancellor of the Exchequer found it very inconvenient to pay annually a large sum out of the taxes of Great Britain to meet the interest of the Irish debt, and, accordingly, in 1817, he consolidated the English and Irish Exchequers. Since that period this country had paid, on account of the interest of the Irish debt, no less a sum than 85,000,000*l*., which, added to the principal of the debt, and deducting the expense of the army and constabulary in Ireland, constituted a total sum of about 200,000,000*l.*, paid to make up the deficiency of the Irish revenue. Such was the state of the debtor and creditor account between the two countries. He regretted to state, that up to the time when Sir Robert Peel came into power in 1835, Ireland was most oppressively and unjustly governed; but, since that period, the Governments of Earl Grey, Lord Melbourne, Lord John Russell, and Sir Robert Peel, had done all they could to ameliorate her condition, and he believed the present Government was equally anxious to do the same. A few days only had elapsed since that House passed the Canada Clergy Reserves Bill, and he believed they could not long go on in Ireland without a readjustment of the Church revenues in that country, which he sincerely believed would be greatly to the advantage of the Church of England in Ireland. He wished also that in every other respect the people of Ireland should be placed upon exactly the same footing as the people of this country, and he lamented exceedingly the course which had been followed by the Irish Members with regard to the extension of the income tax. He believed they could not put Ireland in a satisfactory and prosperous condition until the Irish Members did that which the Scotch Members had at all times endeavoured to do since the Union of Scotland with England—agree among themselves upon all great national questions. He did not expect that in Ireland, or elsewhere, they could be entirely separated from those divisions which were incident to party; but there were great questions affecting their own country upon which they ought to be unanimous; and, instead of resisting the introduction of the income tax in the spirit they had evinced, they ought to have considered whether they should not assume the high and proud position of saying that they would pay their fair share of taxation in return for the benefits they had received, were receiving, and would assuredly continue to receive. In Scotland, notwithstanding the original barbarism of the country, the barren and sterile nature of the soil, and the great obstacles in the way of trade and agriculture, the people had, by steady perseverance, industry, and energy, attained to a prosperous and independent condition, and were now paying without a murmur every tax that was paid in England. He found from the works of Sir John Sinclair, published in 1805, that three-fourths of the whole revenue of Scotland had been paid into the Imperial Treasury since the Union, one-fourth having been sufficient to pay for the whole expenditure of the country, civil, judicial, and administrative, and also for the expense of collection. Since 1805, a still larger proportion of the revenue of Scotland had found its way into the Imperial Exchequer. Such had been the result of unanimity and industry on the part of the people of that country. He made these remarks in no invidious spirit, but in the hope that the people of Ireland would do what the people of Scotland had done, and would act in a more harmonious manner in discussing great questions affecting their own interests. He would now refer for a moment to the question before the Committee. He had no hesitation in saying, in the first place, that he considered some portions of this fiscal scheme defective; but, taking it altogether, he believed it to be the most important Budget, with the exception of the great Free-trade Budget of Sir Robert Peel, that had ever been presented to that House. The sweeping reform that was proposed in the Customs, accompanied by the improvements that were to be introduced into the administration and management of that department of the public service, would be of the utmost advantage to our commerce. The reduction of the duties on butter and cheese would also be of great benefit, though he did not believe the fall in the price of these articles would be to such an extent as was anticipated. With respect to the reduction of the tea duty, he was glad his right hon. Friend the Chancellor of the Exchequer had adopted the course which he (Mr. Macgregor) suggested at the commencement of the Session, and resolved to reduce the duty on tea gradually until it fell to 1*s.* per lb. in three years. That was a wise and proper measure, for he believed that the increased importation of tea from China would not be sufficient to justify a greater reduction. He was convinced that at the end of three years the proposed reduction would be of immense advantage to the commerce of the country, that it would greatly increase the consumption of tea, and that the wives and children of poor labourers, instead of having only hot water, merely stained with a few tea leaves, to drink, would have good, strong, wholesome tea. He now came to the Excise. The remission of the duty on soap would remove the presence of the exciseman altogether, enable the manufacturer in this country to supply the whole world, increase the trade with Africa for palm oil, and tend to diminish the traffic in slaves; be of great service to our cloth manufacturers, and, above all, promote the health, comfort, and cleanliness of the people. With regard to stamps, he regretted that the Chancellor of the Exchequer did not boldly abolish the stamps upon marine assurances; while, with respect to the advertisement duty, he could not cordially approve the course adopted in that matter, inasmuch as by retaining one-third of the tax they would still keep up the whole expense of collection, without getting rid of the dissatisfaction which prevailed on the subject. In remitting the stamp upon supplements, the Chancellor of the Exchequer had done right; but he did not think that untaxed supplements should go through the Post-office without paying postage, inasmuch as there were papers that were entirely devoted to advertisements, but which would still be subjected to the stamp duty, although containing no news whatever. He trusted this part of the scheme would be modified; if not, he was afraid it would create much dissatisfaction. He thought that the extension of the legacy duty to real property was a very great measure, though he was of opinion that such a tax, whether levied upon real or personal property, was not founded in wisdom. It was a tax of the nature of which the people of England had always complained, and which was similar to the feudal exactions that created the resistance which produced Magna Charta. Perhaps, however, the proposition of the Chancellor of the Exchequer was the only practicable one at the present moment; but he trusted that at the end of a few years it would be transformed into a more regular tax upon the rents and profits of property of every discription. He believed that the financial results of the Budget would be much greater, more valuable and productive, than the right hon. Gentleman seemed to anticipate, though at the same time, looking forward to the possibility of bad harvests during the next six or seven years, he thought his right hon. Friend had done wisely in not estimating the produce of the revenue at a greater amount than he had done. He believed that the Budget would give great satisfaction to the country, and that the commercial and other advantages accruing from it would be such that no one would complain of the income tax as proposed, although he admitted it was not the most just or equitable tax that could be imposed. Looking at all the advantages that we had derived from the imposition of the first income tax, and the alterations in our commercial legislation—remembering the happy and prosperous way in which we had gone through all the difficulties of the last eleven years—bearing in mind that, while other countries had been exposed to sad disasters, we had maintained peace at home and abroad, and extended our commerce beyond all previous anticipations — he trusted that there would be very little further oppooition to the adoption of the income tax as proposed, in order that the Chancellor of the Exchequer might be enabled to carry out the other parts of his most valuable and important financial scheme.

Colonel HARCOURT said, he considered it due to his constituents, and to the great party with whom he generally acted, to state the reasons why, on the present occasion, he could not support the Amendment of the hon. Baronet the Member for Hertfordshire (Sir Bulwer Lytton), and why he should vote for the measure proposed by the Government. When he looked back upon the last ten years, and observed the enormous benefits which had been conferred upon this country by the imposition of the income tax; and when he looked forward to the next seven or ten years, and estimated the great advantages which might be derived from the continuance of that tax, he confessed he could not bring himself to vote for an Amendment which declared the continuance of the tax to be unjust and impolitic. Though it was true that the late Chancellor of the Exchequer proposed to modify, to a certain extent, one of the inequalities of the tax, by making a distinction between precarious and permanent incomes, it was equally true that the present Chancellor of the Exchequer had conclusively shown that a sufficient distinction existed already, land and houses being virtually charged at the rate of 9*d.* in the pound, and professional incomes at the rate of 7*d.* Surely the possessors of precarious incomes could not desire a broader distinction than that. Again, the late Chancellor of the Exchequer did not propose to make any difference in the amount of tax levied upon incomes of from 100*l.* to 150*l.* a year. The proposal before the Committee was more just in that respect, for the rate chargeable upon incomes below 150*l.* was less than that levied upon incomes above 150*l*. It had been said that the tax as now proposed was unjust towards trades and professions; but he begged to remind the Committee that the income tax of the late Chancellor of the Exchequer was accompanied by a double house tax, which would have fallen with great and oppressive severity upon the very classes whose interests some hon. Gentlemen on his side of the House appeared so anxious to defend against the Government. The late Chancellor of the Exchequer proposed to renew the income tax for three years, without doing anything to prevent its continuance after that period *ad infinitum*; but the present Chancellor of the Exchequer pledged himself to those who complained of the inequalities of the tax, that at the end of two years it would be reduced 1*d.*; at the end of two years more another 1*d.*; and at the end of three years after that it would cease altogether. For his own part, however, he had so little horror of the tax, with all its inequalities, that he hoped to see it continued after 1860, in order that further relief might be given to the country by the remission of taxation. Next to cheap food was cheap drink, and by the retention of the income tax the Government would be enabled to abolish the taxes on beer. Among the taxes which he wished to see reduced, or abolished, was the malt tax, which pressed so heavily upon the agricultural classes. He regretted that no allusion had been made by the Chancellor of the Exchequer, in his great and beautiful address, to the still existing distress of the landed interests, including in that term farmers and labourers, as well as landlords. It would have been gratifying to their feelings if some notice had been taken of that distress, and if some prospect had been held out, if not of immediate, at least of ultimate, relief. The landed interest were subjected to peculiar burdens—the cost of gaols, lunatic asylums, police, and other charges; and he thought it was hardly fair that a legacy duty should be imposed upon them without being accompanied with some measure of relief. With respect to other parts of the Budget, he was of opinion that the advertisement duty should have been abolished altogether; but there was so much that was good and fair, and just and reasonable, in the proposals of the Government, that he felt disposed to accept them as a whole. Much had been said on his side of the House in reference to a dissolution of Parliament. As far as he was concerned, he did not fear or deprecate a dissolution. He had very little doubt that his constituents would again return him as their representative; but he would take the liberty of entreating the great party with whom he ordinarily acted, and with whom he trusted he should, on almost all occasions, continue to act, to consider well before they rushed into any temporary sort of compact, if he might so call it, with the Irish Members. Supposing the Government were to resign, and Her Majesty were to recall the late Ministry to her councils, did hon. Gentlemen on his side of the House really imagine that the Members of the present Administration would remain long out of power? On the other hand, supposing the Government were to appeal to the country, could hon. Members on his side of the House hope that the result of a general election, in the present temper of the people, would give them a larger Conservative party than was returned last year, when a Conservative Government was in power? It appeared to him to be madness to adopt this course. [*A cry of* "Oh!"] The hon. Member might cry "Oh," but what he stated was the fact. He might be a bad party man, but he trusted, at least, that he should have credit from hon. Members on both sides of the House that he was about to give an honest and a conscientious vote.

MR. H. HERBERT said, he had been much provoked by the attack made by the hon. Member for Mayo (Mr. G. H. Moore) on his Friend the Member for Carlow (Mr. J. Ball), and might have been tempted to reply to it at an earlier period, and to give the House the amusing but unprofitable spectacle of an Irish row, but that he was satisfied all such imputations would fall to the ground harmless. The hon. Member for Mayo had divided the Irish Members into two sections—the hopeful and the grateful; but he (Mr. Herbert) would add to them a third—the disappointed. As the hon. Member for Mayo had challenged them, he (Mr. Herbert) did not hesitate to say that he considered the propositions of the right hon. the Chancellor of the Exchequer as just, equitable, and statesmanlike, with respect to the tenant-farmers of Ireland. As the representative of an agricultural district, they appeared to him to convey a great boon to his constituents; and he was placed in an extraordinary position when he was called upon to vote against them and against the Government, at the head of which was a statesman who possessed stronger claims than any living man on all those who valued the religious liberty for which they had so long struggled in Ireland. Previous to and at the late general election, hopes were held out to the farmers of Ireland, and even in some cases pledges were given, that some great boon was to be conferred on them by the Derby Government. It was not for him to say how far those hopes were justifiable; but when he listened to the Budget of the late Chancellor of the Exchequer he found not a single beneficial measure for his constituents, while looming in the future there was a certainty of increase of taxation. The right hon. Gentleman (Mr. Disraeli) had proposed to repeal one-half the duty on malt and hops, but that would not benefit the Irish people, who grew but little barley and no hops, and drank chiefly whisky. The right hon. Gentleman (Mr. Disraeli) had also argued against the odiousness of exemptions, and he (Mr. Herbert) certainly expected to hear him conclude with the proposal to extend the income tax to Ireland; but if the right hon. Gentleman had remained in office, he would have imposed it only on salaries and on fundholders. He (Mr. Herbert) did not believe that any one class in Ireland would have consented to an exemption so odious. The extension of the income tax to Ireland, coupled with the abolition of the consolidated annuities, he regarded as a great boon to the agricultural districts, since the assessments to the former would, in almost all cases, be far below the assessments to the latter. Indeed, the tenant-farmers would only be assessed one-half the valuation. If the benefit, however, was to be obtained at the expense of an injustice to any other class, he, for one, would at once repudiate the proposition. The question had been asked, but had never been answered, why it would be unjust to extend to Belfast an income tax similar to that paid in Liverpool. Of course it would not be agreeable; but one might say—

> "Whoe'er expects a faultless tax to see,
> Expects what never was, and ne'er shall be."

But where was the injustice that men possessing incomes in the prosperous parts of Ireland should pay an income tax that had been so long paid in England? They had been exempted hitherto because there were other parts of Ireland in such a state that no Government could propose an income tax for Ireland; and they must rather look upon themselves as having been lucky hitherto, than as having injustice inflicted upon them now. The hon. Member for Mayo (Mr. Moore) stated that the ratepayers, the tenant-farmers of Ireland, did not care about this question. But, short as the time had been, and prone as they were to listen to the speeches of agitators rather than to sound advice, and notoriously blind as they were to their own interests, they were not so blind as the hon. Member supposed that class to be. In the union of the county town of the county which he represented (Kerry), the proposition that a resolution against the Budget be adopted had already been made; but the proposition was rejected by so very large a majority that he might almost say it was rejected unanimously. In the last number of the *Cork Examiner* there appeared a letter signed "A County Elector," in which the writer said—

> "Your London correspondent, in his observations on the Chancellor's financial statement, omits a very important circumstance, which is, that the remission of the consolidated annuities will relieve a multitude of humble ratepayers, who will not be liable to the income tax. If we are to be taxed either one way or the other, let us by all means have the income tax. It will necessarily fall on the persons best able to pay it, and, indeed, on a class that should, under any circumstances, be taxed rather than the working farmer. In an effort to improve the condition of the latter, we see adopted the desperate course of refusing support to a Liberal Ministry. The Irish representatives, therefore, who oppose a Budget by which the farmers would be relieved from the consolidated annuities, would, in the event of a speedy dissolution of Parliament, be re-elected by no agricultural constituency."

The hon. Member for Mayo had said that if a general election were to take place, the Irish Members who supported the Budget would tremble in their shoes. But he (Mr. Herbert) would say, that if he were to oppose this proposition, he should not venture to show his face on any agricultural hustings in Ireland. The hon. Member for Cork (Mr. Fagan), instead of arguing the merits of the proposition, insisted that the consolidated annuities should not be paid at all; and so had some other Members. But that question was decided by the House a few nights ago, and the speeches should have been made at that time; but two of these Members were absent from the division then. But the hon. Member for Cork was consistent: when the question of the rate in aid, and of the income tax to be substituted for it were before the House, he was for letting the burden be borne by the distressed owners of land, rather than allowing any portion of it to fall upon the wealthy citizen of Cork. So now the producer of butter was to pay rather than he who bought it. The hon. Member referred to the numbers driven by distress to emigration. But was it not the general complaint that it was the small farmers, agricultural labourers, and some few artisans, perhaps, that were flying—men upon whom the income tax would not fall? These persons would not be affected by the Budget, except beneficially. If their glass of whisky should be a fraction dearer, their tea would be cheaper. A tax upon spirits was, of all taxes, the least objectionable; and he (Mr. Herbert) should not object to its being at the very highest rate that could be put upon it with profit to the revenue. As to the legacy duty upon land, he would only say that all that he possessed was in land, and he had no wish to keep an exemption to which he did not think he was entitled. As for its breaking down the landed aristocracy, he did not believe it; and God forbid it should be so! There was no more wholesome influence in this country than theirs, when judiciously exercised. But let them not attempt to retain it by an odious exemption, not founded in justice. Having spoken of the consolidated annuities, he would only add, that, residing in a part of the country the least taxed of any of it, he believed he should be by a trifle a loser; but if the sacrifice were ten times the amount, it should be cheerfully made to obtain so great a benefit for the class on whom the misfortunes of the last few years had fallen with the heaviest weight.

MR. C. R. MORGAN said, that it had been charged against the party with which he acted, that it had leagued with Irish Members in factious opposition to the Government; but, so far as he was concerned, he repudiated any intention factiously to oppose the propositions of the Chancellor of the Exchequer; but when he saw such interests involved, although not representing an agricultural constituency, he could not give a vote detrimental to agricultural interests. With respect to the income tax, he could not understand, when every Member who spoke upon it represented it as unequal and unjust, how the preposterous idea could be entertained of not only extending it to persons who were before exempt from it, but also to a country which had been always described as unfitted for its burden, and that that extension should be made without a removal of the inequalities of the impost. His own opinion was, that it was impossible to equalise it; but still he maintained that it was absurd to extend it in such a manner that its removal would be a matter of much greater difficulty. He came now to consider the duty upon tea, and had to express it as his opinion that the increase of revenue to be expected from an increased consumption of the article consequent upon a reduction of duty upon it, would end in disappointment, since half of what was sold as tea in this country never saw China; and, therefore, the poor would derive but little benefit from the remission of the duty. He could not see why, when each year they were removing taxes, with respect to which there existed no complaint—when, as now, they were lowering the duty upon horses, carriages, cigars, cards, and dice—there should be any hesitation to remove the income tax, against which complaint was general. There was no pretence that such an amount of taxes would be remitted as Sir Robert Peel took off when he had the income tax from 1842 to 1845. We were not in danger of immediate war; our merchants had been to Paris, and received a promise of peace. The people would more readily pay this tax in time of war, if it was not exacted in time of peace. But the Chancellor of the Exchequer, after admitting that the land paid 9*d.* to the tradesman's 7*d.*, came down with a legacy duty upon land. The propositions of the right hon. the Chancellor of the Exchequer would, if carried, in the course of the three next years, inflict upon the landed interest the payment of 2,000,000*l.* But, should the Budget be carried (and with all due deference to the Chancellor of the Exchequer, he hoped it would not be), it would be desirable that he should turn his attention to the devising of some means to facilitate the transfer of land. With regard to the advertisement duty, he thought the right hon. Gentleman certainly ought to have attended to the vote of that House; and he hoped that some such modification would be made on the plan in newspaper supplements as would enable news to be published at the same time as advertisements. He also hoped the advertising vans would be taxed as well as newspaper advertisements. He was unable to agree with the opinion which the hon. Member for the West Riding (Mr. Cobden) had advanced, that the imposition of the legacy duty was a benefit to the small growers.

Not being an Irish Member, he felt some degree of diffidence in offering any opinion on the subject of the extension of the income tax to Ireland. He considered, however, that at the present time it was inexpedient to extend it to that country.

Mr. C. FORSTER said, that though his conviction of the injustice of taxing equally incomes derived from realised property, and incomes proceeding from precarious sources, remained unchanged, yet the question assumed a different aspect, inasmuch as provisions were now proposed, first for the modification, and next for the final cessation of the tax in 1860. The charge of inconsistency brought forward by the hon. Member for Roscommon (Mr. French) against those hon. Gentlemen who voted against the continuance of the income tax in 1848, and for it now, was, therefore, a groundless one. The right hon. Gentleman the Chancellor of the Exchequer, in the speech in which he enunciated his financial scheme—a speech which would not soon fade from the memory of Members of that House—had spoken of the income tax as a subject upon which the feeling of the public ought to be met. He entirely agreed with that opinion. The remissions of taxation to the insurance offices would afford an additional incentive to men depending upon industry to make some provision for their families. There were also in other matters changes submitted to Parliament which mitigated the severity with which at present the income tax bore on intelligence and skill as compared with property. Consequently, he maintained that the principle for which he contended, in reference to the income tax, had been particularly recognised in the Budget of the Chancellor of the Exchequer. The main part of the Budget which reconciled him to the reimposition of the income tax in its present form was that great act of justice—the extension of the legacy duty to real property, and the large remission of taxation consequent thereon. It might be urged that in respect to the reduction of the tea duty, the Chancellor of the Exchequer was only following in the path of the right hon. Gentleman (Mr. Disraeli); but with that right hon. Gentleman's proposition for the reduction of the tea duty there was mixed up the delusion of a partial remission of the malt duty, against which there was to be set an extension of the house tax. But the benefit offered by the present Chancellor of the Exchequer had no such drawback, for he created no new tax, but only abolished an unjust exemption which ought never to have existed. Of course, in the present Budget there might be points upon which all could not equally agree; but he (Mr. Forster) accepted the Budget as a whole, joining, at the same time, with the hon. Member for the West Riding, in regretting that the Chancellor of the Exchequer had not entirely given way on the subject of the advertisement duty. He must add, that he had also received communications from his constituents stating that there was great injustice in the proposal, as it stood, in reference to licences; and he had therefore heard with satisfaction that it was the intention of the Chancellor of the Exchequer to reconsider that part of his plan. He rejoiced that it had been reserved for the Chancellor of the Exchequer not merely to defend those principles of free trade, in the adoption of which it was his highest glory to have assisted, but to propose measures which would have the effect of developing the resources of the country, and thus provide the surest defence for its institutions—the attachment of a grateful and prosperous people.

Lord ADOLPHUS VANE said, he had always understood that in the event of the financial propositions of a Government not receiving the approbation of the House, they would be withdrawn, or the Ministry would resign; but the circumstances of the present discussion were rather novel, inasmuch as they were told that if the majority recorded their opposition to the scheme under consideration, the Government would then appeal to the country. He must, therefore, complain of this attempt to coerce hon. Members against their conscientious convictions by threats of a dissolution of Parliament. That was not what the late Chancellor of the Exchquer did. On the contrary, he took his stand on his measures, which he stated he believed to be just, and declared he would carry them, or go out of office. Such noble conduct had raised him higher in the eyes of the country, than the threat of a dissolution would ever raise Her Majesty's present advisers. Some Members might be deterred from giving their votes as they thought right by such an extraordinary and novel threat; but he trusted it would have no effect on the great majority of those he was now addressing. The Chancellor of the Exchequer, in introducing his Budget, mentioned that questions had arisen in that House which went to the very elementary principles of taxation; and he (Lord A. Vane) was ready to admit that, considering the enormous change which had taken place from indirect to direct taxation, the whole system of taxation ought to be reconsidered. The remarks of the hon. Member for the West Riding invariably tended to hold up the landed interest and the more wealthy classes to the odium and hatred of the labouring classes, for they represented the former as fattening upon an unfair exemption from taxation, while an enormous amount of taxes was being paid by the latter. Such statements were most gross exaggerations. For himself, he could say that he wished the lower classes to enjoy every comfort as cheaply as possible. He would never vote for a tax on any one necessary of life, or for the enhancement of the price of any article essential for the comfort of the poor man. But the question whether the existing direct taxation was fairly assessed, ought to be taken into consideration, and he should be glad to see a Committee of Inquiry into the whole system of the taxation of the country. That would prove to the country on whom the burden was laid, and would give far better *data* to proceed on than the confident and exaggerated assertions of the Manchester school. He would now quote from Mr. Greg's work on taxation—a standard authority with those hon. Gentlemen, to show that the contrary was the case. In the year 1849, the ordinary revenue levied was 55,204,972*l.*; the poor-rate, 7,255,000*l.*; the county and highway rate and constabulary, 3,977,000*l.*; giving a total of 66,436,972*l.* Of that amount, property paid to the poor-rates, 11,232,000*l.*; to the income tax and assessed taxes, 10,087,743*l.*; to the stamp duties, 6,600,090*l.*; to the Customs duties, for luxuries, such as wines, brandies, &c., 3,451,516*l.*; add three-fourths Customs duties on tea, coffee, oranges; two-thirds on sugar; five-sixths Post-office revenue, making a total of 38,759,558*l.*; add to this one-fourth of the Customs, Stamps, and Excise, say 27,538,748*l.*, would in all, according to Mr. Greg, make a total of 45,644,245*l.* paid by the propertied classes, leaving 20,792,727*l.* to be paid by the working classes. This left a balance, as paid by the working classes, who constitute three-fourths of the community, of something less than 1*l.* per man; while the richer classes pay at the rate of 6*l.* 10*s.* 6*d.* each. The hon. Member for the West Riding had stated that the poor received no benefit from the repeal of the Customs duties since 1831, and he compared 1831 with 1842 on that occasion. He had forgotten, however, to mention the increase of the population, and the consequent increase in consumption. Now, what was the fact? Why, between the years 1842 and 1850, there had been repealed of taxes—

Customs	£8,213,958
Excise	1,434,280
Stamps	598,056
Making a total of ...	£10,246,294

and also let the hon. Member for the West Riding bear in mind the increase of taxation had been from 1830 to 1850 (including property tax, 5 per cent on Customs, Excise, and railways), 8,389,225*l.*; but the reduction in taxation, including the window tax abolition, and diminution of the house tax, had been 21,352,393*l.*, making a difference in taxation as borne by the people of 12,962,168*l.* In this calculation the relief by the alterations in our tariff, and by the repeal of the corn laws, was not included. Now, when it was considered the increase of taxation was placed on the property of the country, the diminution was so assessed for the benefit of the poor, these assertions of the Manchester School were rather *ex parte*. If direct taxation was to be adopted as a principal means of raising revenue, he maintained that every one should contribute according to his ability; and the house tax, against which so great an agitation was raised when it was proposed by the late Government, seemed to be a fair way of effecting that object. He (Lord A. Vane) had voted for the extension of the house tax last year because he believed it would be a measure of justice. This would be seen when the proportions of houses taxed and untaxed came to be considered. In 1852, there were 444,571 houses rated above 20*l.* in England, and 19,292 in Scotland, while there were no fewer than 383,499 rated between 10*l.* and 20*l.*, and therefore not liable to taxation. The late Government fell through this tax; but the principle they wished to extend was, nevertheless, based upon justice, though the agitation in the metropolis against it was sufficient to produce that effect. There had been so much made of the comparative statements of the two Budgets, and such threats held out to make hon. Members shiver and shake, that, undeterred by what had taken place, he would proceed to make a few observations on the Budget of the late and the Budget of the present Chancellor of the Exchequer. The late right hon. Chancellor did not propose to increase the amount of taxation to Ireland more than 63,000*l.*, while—and he asked Irish Members to notice the fact—the right hon. Gentleman (Mr. Gladstone) proposed to increase taxation 600,000*l.* a year. The late Chancellor of the Exchequer in his Budget did not propose to make an increase to taxation of more than 1,060,000*l.*, while his remissions were:—

Malt	£2,500,000
Hops	300,000
Shipping, relief	100,000
Tea (the total remission extended over six years) —each year	500,000
Total	£3,400,000

The proposal of the present Chancellor of the Exchequer, was to increase taxation 3,130,000*l.*, and to make remissions to the extent of 5,355,000*l.* But he would particularly beg to call attention to what the right hon. Gentleman proposed to do with respect to Ireland:—

Ireland was to have the income tax, which would yield about	£450,000
Tax on spirits would yield	248,000
	£698,000
From which deduct consolidated annuities, yearly charge	245,000
And there would be left a balance against Ireland of	£453,000
To which add the legacy duty	300,000
And the total additional burden to Ireland would be	£753,000

He would also remark that, as usual—through free-trade regulations—Ireland derived a smaller amount of benefit from remission of taxation as compared with England. Hon. Members should recollect that, while the local taxation of Great Britain was only 2*s.* 5*d.* per head, that of Ireland was 5*s.* 7½*d.*; and he understood there were poor-rates, in some cases, for instance, in the county of Clare, to the amount of 15*s.* or 16*s.* in the pound; and yet, notwithstanding that, they were going to vote for the increase of taxation which he had mentioned. They seemed to forget that a large amount was now received from Ireland as income tax. The great argument of the late Sir Robert Peel was, that absentees from Ireland should pay the tax, while those who lived in Ireland should be free from it, consequently it was to be a boon to landlords to remain in Ireland, for those landlords who lived on their estates in Ireland would not be subject to the tax. With what justice, then, did they now impose the income tax upon it? Was the country so flourishing, so prosperous, so flowing with milk and honey, that they wished immediately to drain it again? It was said, that hon. Members on his side of the House were factiously coalescing with Irish Members against this tax; but he hoped if he went to his constituents he should be able to show them that Ireland paid her full quota of taxation to Great Britain; and he believed they would not blame him for refusing to vote against a tax which, as regarded Ireland, he believed to be unfair. As to the legacy duty, he had always considered that if there were a duty on personal property, it was extremely difficult to prove that it should not also be charged on real estate; but he thought that all legacy duty was opposed to a prudent or wise policy, and his opinions were strengthened by the opinions of the present Chancellor of the Exchequer, who declared that it was unsound in principle to levy taxation on the property of the country; it ought to be levied on its income. There was another view of the legacy duty, as now proposed. Sir Robert Peel brought in the income tax in consequence of a great deficit. On that occasion the noble Lord the Member for London said—

> "There is a proposition based on sounder grounds—a tax which seems firmer and better, and more just, than an income tax—I mean a tax on succession to property. If on the ground of necessity you must have an additional tax, I cannot see the reason why such a tax should not be adopted in preference to an income tax."

But now the noble Lord was going to vote not only for the income tax, but for a legacy duty besides. As to the termination of the income tax seven years hence, he thought no financial Minister of the country would ever be able to dispense with it. The hon. Member for Montrose (Mr. Hume) and the hon. Gentleman for the West Riding (Mr. Cobden), who had been opposed to it in its present unequal form, were now going to vote for it, because it was to continue only seven years; and the hon. Member for Pontefract (Mr. M. Milnes), who was a poet and of an imaginative turn of mind, said the only way he could justify his pledge to his constituents was to tell them, at the end of seven years the tax would be over; but the hon. Member for Montrose could not have even this justification, as he was of opinion an income tax should be a perpetual source of our revenue; but he (Lord A. Vane) had on the hustings declared that he would never give his vote to continue a tax based upon so unfair, inequitable, and unjust a basis as it was at present; and he would adhere to that declaration. They had seen some most fulsome panegyrics in a paper of great power on the proposition before the House; but in December, 1852, the same paper bestowed high praise on the Budget of the late Chancellor of the Exchequer, and he believed that praise to be true, because it was not supposed to be bought, as the present praise was. [*Cries of* "Oh, oh!"]. Not that he believed it; but it was right that that imputation ought to be removed, for there was a great feeling in the country that the several articles of fulsome panegyric that had been bestowed on the Budget, had been prompted by the liberal way in which the Chancellor of the Exchequer had treated that great journal. But what did the *Times* say in December, 1852, on the proposition of the late Chancellor of the Exchequer? It said—

> "Had it been possible for the Chancellor of the Exchequer to surprise the House of Commons, he would certainly have done so last night by a financial statement which Peel himself would only have ventured on under the most encouraging circumstances, and in one of his most exuberant moods. . . . . . . We might say that, so far as concerns the annual ceremony of the Budget, Mr. Disraeli has entirely filled up the lamentable gap left by the most illustrious of his recent predecessors."

And in another part it said—

> "Without committing ourselves at once to every item in the long and mighty catalogue of financial reforms now before us, we must say that the Chancellor of the Exchequer not only takes advantage of his position with the dexterity of a master, but has really succeeded in showing that a new position, new resources, and new capabilities are before us."

That was warm praise, and he believed it was deserved. In another part it said—

> "In the statement made last night by the Chancellor of the Exchequer there is one point at least which will give general satisfaction, for if the proposition pass into law it will be the fulfilment, the tardy fulfilment, of a great act of public justice. Mr. Disraeli has at length recognised the principle that a distinction exists for fiscal purposes between income derived from transitory sources and income which issues from realised property. The difference throughout has been as clear to the eye of common sense as the difference between capital and interest, or between property and income."

And yet, after having written and stated all that—after having sanctioned that principle as clear to the eye of common sense, and praised the late Chancellor of the Exchequer for laying it down—the *Times* had turned round and indulged in fulsome panegyrics on the Ministers who proposed to keep up that inequality and injustice, and to extend it to those whose incomes were between 100*l.* and 150*l.*, and to a country hitherto exempt from it. He ought to apologise for detaining the House with these references; but when a journal like the *Times* did not hesitate to write down a man's character, which had been perfectly cleared by the assertions of men of high position on both sides of the House —when that paper, which went far and wide to our distant colonies, wrote down a Gentleman whose honour stood in the estimation of that House as high as any one among them, it had no right, he said, to show such gross inconsistencies as it had done in the consideration of these two Budgets. Now, there had been three remarkable Budgets in the years 1842, 1848, and 1853. The first he would call the year of assertion; the second the year of prophecy; and the last the year of hope. In 1842, when Sir Robert Peel proposed the income tax, he said—

> "I will now state what is the measure I propose, under a sense of public duty and a deep conviction that it is necessary for the public interest, and impressed at the same time with an equal conviction that the present sacrifices which I call upon you to make will be amply compensated ultimately in a pecuniary point of view, and much more than compensated by the effect they will have in maintaining the public credit and the ancient character of this country. Instead of reviving the taxes on salt or on sugar, it is my duty to make an earnest appeal to the possessors of property for the purpose of repairing a mighty evil."

The proposition for an income tax was introduced with the confident assertion it was to last only three years. This was the solemn appeal made at a time of deficit in the public revenue to the landed proprietors. Let them mark the change in the spirit of the day. The great organ of opinion now among the Members of the Government, thus expresses its opinions:—

> "The landed proprietors are the rich subsoil, the thick seam of coal, the auriferous quartz, the artesian reservoirs of British finance. When a war of independence is to be raised, or a legion of small taxes be driven into the sea, then the colossal engine is to be applied."

And in another paper it was said—

> "A colossal engine of taxation requires a colossal class and a very noble patriotic class. When

as Mr. Gladstone pointed out the other day, so large a proportion of income tax is paid by property, it is evident how much we gain in the depth and soundness of our resources by the possession of wealthy classes."

After that appeal to the country gentlemen, and after what the landed proprietors were admitted to have done, was it fair or just to saddle them with 2,000,000*l.* now? The noble Lord the Member for London, at that time—

"objected to the income tax, because a deficiency of 2,500,000*l.* might be easily supplied by additional taxation in another shape."

And again—

"The imposition of such a tax would produce a conviction they had no other resources; that they were obliged to resort to a tax as if the nation were struggling for existence, and therefore the country would be unprepared for a war."

And yet the noble Lord had no compunction in advocating both income tax and legacy duty on real property, not at a time of deficiency, as at the time when he opposed the income tax, but on an occasion when there was no necessity for such impositions. Now, he would quote an opinion from the year of prophecy. In 1848 the hon. Member for Middlesex said—

"He was well convinced, if the Irish Members supported this tax, their English brethren would, in a retaliatory spirit, vote in favour of its extension to Ireland."

The hon. Gentleman's veracity as a prophet, however, was somewhat impaired by his being a party to bringing his own prophecy to a fulfilment. We have now come to the year of hope. If we sanction these financial propositions of voting the continuance of the income tax in its present unequal form for seven years longer, we may live on the hope it may, at the end of that period, be repealed. He (Lord A. Vane) could not be satisfied with this expectation. Granting there might be much that was beneficial in this financial scheme, when he (Lord A. Vane) considered it was based on an unmodified income tax and an extension of a legacy duty he believed unsound and impolitic, he thought the benefits would be bought at too dear a price, and must unwillingly record his vote against the scheme as a whole. He must, however, apologise to the Committee for having detained them so long. It might be the last time he might address that House, as he was in that situation in which many other hon. Members were, of having a petition against his return, and it might be that, like many others who were perfectly innocent of charges on which they were unseated, he might lose his seat; but he should never regret that the last time he addressed the House was upon a principle which he conscientiously believed to be right, and that were it his last vote, it would be against a tax which, unmodified and in its present form, pressed unfairly on poor and struggling classes, and in its extended form was open to the same or graver objections.

Mr. POLLARD-URQUHART hoped the Committee would bear with him while he stated the reasons which induced him to support the measure of the Government. He would leave the general merits of the question to be argued by abler speakers, and he would simply confine his remarks to the bearing of the scheme upon that portion of the United Kingdom with which he was more immediately connected. The great feature of the scheme of the right hon. Gentleman the Chancellor of the Exchequer was to remit the consolidated annuities to Ireland, and to extend the income tax to that country. These two propositions could not be considered apart. The highly-taxed people of England would not consider them apart. Their representatives would not do so. Now, taking these two portions of the Budget together, and balancing one against the other, it was his firm belief that Ireland would be a great gainer by this arrangement. The sum remitted amounted to about 4,000,000*l.* sterling, and the tax imposed would amount to 460,000*l.* the first two years, to 395,000*l.* the following two years, and to 339,000*l.* the three remaining years. In spite of the ridicule that had been cast upon the hon. Member for Carlow (Mr. J. Ball), he knew no way of balancing the remissions against the impositions, except by capitalising these sums, which gave 2,500,000*l.* sterling to be imposed upon Ireland in the shape of an income tax, and that deducted from the 4,000,000*l.* of the consolidated annuities, left a clear gain to Ireland of 1,500,000*l.* sterling by the proposed arrangement. These figures were stubborn things; they could not be got over. But then it was said that this remission would find its way into the pockets of the landlords. Now, he knew that taxation ultimately resolved itself into the question of rent; but it was absurd to say that the moment a new tax was imposed the rent of the farmer fell, or that the moment it was remitted his rent was raised; and he, for one, did not believe that rents would be raised because this boon was given to Irish farmers. Even the landlords, however, would not be losers by the arrangement. It ought to be borne in mind that the annuities in general bore the heaviest on those parts of the country where properties were most deteriorated from other causes. When the poor-rate was first imposed upon Ireland, many landlords complained that they had received their property before the imposition of the tax, and that if they paid it they would be unable to meet their other engagements. This argument, however, would not apply to a tax under which mortgages and family charges were allowed to be deducted. In 1849, when the rate in aid was first made, the grand juries of Ireland expressed their dissent, and intimated their willingness to contribute to any other description of Imperial taxation which might be imposed upon them. The shopkeepers, also, though this tax might bear somewhat heavily upon them, would at all events gain by the greater cheapness of articles of consumption, and the general prosperity of their customers. He believed that Ireland would be in a better moral position by submitting to the income tax, because if any future calamity should descend upon her, the complaint could not again be made against her that she was not entitled to Imperial assistance on account of having paid nothing to the income tax. During the period of Irish distress, whenever anybody pointed out the impossibility of levying 40*s*. in the pound in some impoverished district, it was always replied, "Oh, Ireland contributes nothing to the income tax." In fact, they had always been straining at gnats, while they were obliged to swallow camels. He believed that the late Chancellor of the Exchequer had said that part of his scheme was to sustain the free-trade principle by extending direct taxation. In the wisdom of that policy he fully agreed; but surely the right hon. Gentleman could not carry it out without extending it to Ireland. It was generally supposed that his (Mr. Urquhart's) countrymen deserved credit for their shrewdness—they were reckoned good hands at driving a bargain. He hoped they would not lose their reputation for shrewdness on this occasion—he hoped they would never have to rue the day when they despised the advice of the hon. Member for the West Riding (Mr. Cobden), and that they had not clinched the bargain with both hands. Depend upon it, if they did not now accept the terms proffered, they would be playing over again the part of the old Roman King, who was obliged to buy one of the Sibylline for the price at which the eight were originally offered to him. But it was said that this was not the time to impose additional taxation upon Ireland, when she was just recovering from a state of severe suffering. Now he thought this argument applied with much greater force to the continuance of the annuities than to the imposition of the income tax. He would suggest, however, that the tax should be imposed only upon the net income of land in Ireland, for the expense of managing land was much higher in Ireland than it was in England; the poor-rates were frequently paid entirely by the landlord; and very often, after all, the tenant carried off both crops and rent. With regard to the abolition of the tax, he must say that he was in favour of direct in preference to indirect taxation; but he felt that Government could not afford to disregard public opinion upon this subject, and he therefore rejoiced that the question was to be put off for seven years, when thinking men would be more agreed upon the subject of its continuance or its abolition, and about the best method of raising it, than they were at present. There was one part of the Budget, however, of which he did not approve—the increase of the spirit duties. It was said, indeed, that this was a tax upon drunkards; but without stopping to inquire what drunkard was reformed, or what sober man was prevented from becoming a drunkard by fiscal duties, he asked why a different system should be pursued in Ireland from that pursued in England? When the income tax was first imposed in England, a great number of indirect taxes were taken off. Why should the reverse of that system be pursued in Ireland, or why should a new tax be levied upon one of the few branches of industry that yet existed in Ireland? And so far as an increase of revenue was calculated upon from that source, he must remind the Government of Canning's saying, that in finance two and two did not always make four—sometimes it made one. Notwithstanding this defect, however, he had great pleasure in giving his support to the Budget.

Viscount JOCELYN said, he should not have intruded himself on the attention of the Committee, but for the proposition, on the preceding evening, of the right hon. President of the Board of Control, that there were only two classes of persons in that House who dissented from the proposition of the Government—the one party being those who spoke in behalf of the landed interest, the other party being those who spoke in behalf of the people of Ireland. Now, he would contend that there was a third and a very large party, who dissented from the scheme, simply and solely because they considered the reimposition of the income tax for a period of seven years, without revision and without reform, was impolitic and unfair in itself, and injurious to the character of that House. The commercial principles enunciated by his right hon. Friend the Chancellor of the Exchequer were, undoubtedly, of vital importance to the prosperity of the country; but he did not see that this particular mode by which his right hon. Friend proposed to sustain that policy was at all necessary to the object, while, on the other hand, it was detrimental to the character of the House, and unequal, unfair, and injurious to various classes of the community. It was his opinion that the apparent deficiency created by the remissions proposed by his right hon. Friend would be amply supplied from the enlarged field opened to the consumer. The experience of past years showed that, however rapidly you decreased the duties on articles of consumption, more rapidly still was the deficiency remedied by the increase of consumption. There could be no doubt that the reduction of the tea duties, and the abolition of those on soap, would be of essential advantage to the community, and there could be as little doubt of the value of the policy proposed to be applied to the assessed taxes; but there was no reason why these benefits should be accompanied by the disadvantages inherent in his right hon. Friend's scheme; there was no reason why the stated deficiency should be made up in the particular mode proposed. The first Resolution which the Committee was called upon to affirm was, that the income tax should be reimposed for seven years, that reimposition being without any improvement or mitigation whatever, but, on the contrary, being extended to incomes between 100*l.* and 150*l.*, and to Ireland. Now, when Sir Robert Peel came down to that House in 1842, and said, "Here is a deficient revenue; will you give me the power to impose an income tax?" he did not for a moment attempt to blind them to the inquisitorial nature of the tax—to its immoral tendency—but admitted fully that it was an objectionable tax, which only war or some other great national exigency could justify; and, indeed, his right hon. Friend pointed to the wars then proceeding in Affghanistan and China as grounds for the tax. The tax was granted. In 1845 his right hon. Friend again came down to the House, and said, "If you will give me the income tax once more, it will enable me to place the finances of the country on a sounder footing." The tax was granted, but only for the same limited period as before. But the tax never had been imposed without its inequalities becoming the subject of debate in that House, and so much were they felt a few years ago that the hon. Member for Montrose (Mr. Hume) moved for and obtained a Committee to inquire into the means of removing these inequalities. Now, however, his right hon. Friend opposite the Chancellor of the Exchequer asked that the House should renew the tax for seven years—renew it with all its objectionable features, and with additional circumstances of aggravation. His right hon. Friend, indeed, in common with his predecessors in office, admitted that the tax was a bad tax—a demoralising tax; indeed, singularly enough, precisely because it was so bad a tax, his right hon. Friend refused to improve it. He acknowledged that, while he agreed with the abstract principle of his right hon. Friend that all portions of the community who were benefited by the remission of taxes should be called on to contribute to the burdens of the State, he could not admit that without some remedy and alteration—believing such to be practicable—they would be justified in imposing the tax upon that class. Sir Robert Peel, in the zenith of his power, had never asked for the imposition of this tax for more than three years. Was it necessary, then, for his right hon. Friend to reimpose it for seven years? If it were, he confessed he should hesitate as to the course which he should take; but, supposing that it were passed now for three years, could not Parliament at the expiration of that period again sanction its renewal? Such was the nature of the tax, however, that he contended it was for the honour of Parliament to take it into its consideration at definite and brief periods. In three years from this time there might be a great change in the opinions of public men; in three years they might be enabled, perhaps, to deal with the inequalities of the tax, or his right hon. Friend might have under-estimated his revenue, and they might then be in a position to dispense with it altogether. His right hon. Friend said he would not trench upon the territory of labour; but there were artisans in this metropolis earning *5l.* or *6l.* a week, and if he were not going to impose it upon them, how could he do so with any justice upon the clerk receiving *100l.* a year? Now, with reference to its application to Ireland. He had always held the principle that Ireland ought to bear its share of the public burdens, and he thought so still; but let them speak the truth, and not tell him that they were going to give an equivalent to Ireland for the imposition of that tax. What equivalent was there to the north and east of Ireland, who had paid their debt? There was none whatever. We ought at once to avow that there was no new equivalent given to Ireland for the imposition of the income tax; that the remission of the consolidated annuities applied only to certain districts; and that, as she was already free from assessed taxes, and had no Excise duty upon soap, no equivalent was required. He would add, that the late fiscal policy, which had been so advantageous to this country, had been equally beneficial to Ireland, and that therefore it was but just that she should contribute her equal share to Imperial taxation. He believed that the very same arguments which were good for Ireland's bearing an equal share in the burdens of this country, were likewise good for England's sharing the consequence of the great calamity which had fallen upon that country during the famine. But, beyond this, he objected to imposing an income tax either upon England or Ireland, for seven years, without attempting to deal with its inequalities, as unjust and impolitic. Unconnected as he was with any party in that House since he had lost his friends who used to sit upon the benches near him, he was compelled to take an independent view of every question that came before him, and to deal with it as his humble ability enabled him. Until he had heard it proposed, he was ignorant of the nature of the Amendment they were discussing; but when he was asked whether it were just and fair to levy the income tax to an increased extent in an unamended form, and for the space of seven years, he was constrained to answer that it was not. With respect to the increased tax upon spirits, he believed that there was no more legitimate source of taxation than the Excise upon that article. The only question to be considered was the point at which the smuggler would step in and defeat their legislation. The late Sir Robert Peel failed when he proposed to raise the Irish spirit duties, and when he reduced them it was from no feeling of consideration towards Ireland, but because he anticipated an increased revenue from the diminution. And how was the revenue to be protected? His right hon. Friend the Chancellor of the Exchequer said, and said truly, that there was an admirable constabulary in Ireland, and that rewards would be offered for them to prevent illicit distillation. But was the right hon. Gentleman aware of the other duties of the constabulary? Was he about to offer men rewards for the neglect of their ordinary duties? Let him depend upon it that if he embarked upon such a system he would obtain no revenue, while he would demoralise the men and destroy the efficiency of one of the most efficient bodies ever organised. With reference to the legacy duty, he thought that it was fair and just to levy upon landed property a higher amount of tax than upon any other, because there were advantages both of a territorial and social character, and in the greater security of that property, which made it fair that it should pay more largely than other descriptions. They must remember, however, that the late Sir Robert Peel said, when the legacy duty was under consideration, "If you put a legacy duty upon land, you must be prepared to deal with the burdens upon land." He did not desire to make out a case for the land, but he would instance to the Committee the case of two men, each worth *100,000l.*, one investing it in the funds and the other in land. The man who invested in the funds would simply be charged upon that the interest of the legacy duty which he originally paid, and the income tax. But the payments on the *100,000l.* invested in land were much higher. The first charge, as he was informed by the highest authorities in the City, was between *1,300l.* and *1,400l.* Next was the income tax; and then let him ask what paid the poor-rate, what paid the highway rate, and what the county rate? Clearly the land; and did he estimate those rates too highly when he took them at 15 per cent? Supposing *100,000l.* to produce them annually *3,000l.*, one would have a net income of *2,750l.*, and the other of only *2,495l.* Before imposing the legacy duty they should first facilitate the transfer of property. Next, they should deal with the question of title; and then for them to attempt to maintain the system of entail was preposterous and absurd. He did not say they were wrong—they might be right—only these things should accompany their proposition. Then, what would be the effect of this tax upon the yeoman class? At one time they were regarded as the most loyal class, and they were nurtured and cherished by the State. Perhaps that class was no longer necessary. They were about to call upon men who had only 60*l.* or 70*l.* a year perhaps, to contribute under the legacy duty, although to such persons, on entering on their little properties, every shilling was of importance. Ultimately the effect must be to destroy that class. Still he did not say they were wrong: they might be right, but it was a new principle. They might speak of the inquisitorial nature of the income tax, but what could be more inquisitorial than this legacy duty? When a man came into property a Government agent was to go down and examine into and register the whole of his affairs. Depend upon it, if the man were in difficulties, and the estate were mortgaged, it would very soon be foreclosed. He thanked the Committee for the patience which they had accorded him. It was most painful for him to oppose the proposition of any Friend whom he respected so highly as the right hon. Chancellor of the Exchequer; but he was bound to support the Amendment, because he sincerely believed that to impose the income tax without any attempt to alter its inequalities was neither just, politic, nor expedient.

Mr. CARDWELL said, that agreeing as he did with his noble Friend who had just sat down in regret at his having lost the friends who formerly sat beside him, it must at least be acknowledged that in the matter of the income tax no responsibility rested with those who now occupied that bench. In the year 1842, when the late Sir Robert Peel introduced the income tax, the right hon. Baronet had the advantage of his noble Friend's support. In the year 1845, when he (Mr. Cardwell) had the honour of holding a subordinate situation in the Treasury under Sir Robert Peel, he knew from personal experience that lamented statesman most carefully examined the possibility of extending to the professional classes that alleviation for which his noble Friend had now contended. Sir Robert Peel then determined that, without breaking up and destroying the income tax, it was impossible to accomplish the object; and, when the present Member for Sheffield (Mr. Roebuck) brought the question before the House of Commons, his noble Friend (Viscount Jocelyn), then holding an office in the Government, voted against the hon. Member for Sheffield, and in favour of the income tax of Sir Robert Peel. But his noble Friend had certainly made some recompense, for if the Government could not enjoy the privilege of receiving his vote, there were many portions of his speech to which they might fairly lay claim. His noble Friend objected to the continuance of the income tax for seven years, and he gave a very curious reason for it. So highly did he approve of the remissions of taxation, which under cover of the income tax Sir Robert Peel introduced and effected, that he supported them; and, in like manner, so great was his confidence in the propositions of the Chancellor of the Exchequer that he believed the remissions of indirect taxation now proposed would be more rapidly reproductive than his right hon. Friend himself had ventured to expect. And therefore, said the noble Lord, he believed that it would be possible to abolish the income tax in less than seven years. So that really the noble Lord's argument amounted just to this: That the Budget was so much better a Budget than the Chancellor of the Exchequer had thought fit to anticipate, that the noble Lord would not support it, and could not now repeat the votes which he had formerly given in favour of the income tax. His (Mr. Cardwell's) right hon. Friend the Chancellor of the Exchequer, taking a prudent view of the finances of the country, and not desiring to effect remissions except under a safe shelter, certainly asked for the income tax for seven years; but if, at an earlier period, other sources of revenue arose which would enable him to dispense with the income tax, it would be open for his noble Friend or any other Member to make such a Motion, and he was sure the House of Commons would be extremely happy to receive it. But his noble Friend spoke on the part of the poor artisans earning 5*l.* or 6*l.* wages per week; and he complained that the Chancellor of the Exchequer's propositions would subject them to the income tax for the first time. But his noble Friend voted himself last December for imposing the income tax on incomes of 100*l.* per annum. And, besides, if his noble Friend considered awhile, he would find, on reflection, that 5*l.* or 6*l.* a week, multiplied by fifty-two, the number of weeks in the year, would not make an income that fell between 100*l.* and 150*l.*, but that it would make an income which would bring the party under the present operation of the income tax. If, then, the argument of his noble Friend was limited to these two points: first, that the reproductive process of the Budget would be more rapid than the Chancellor of the Exchequer expected, and that the artisan who earned between *5l.* and *6l.* a week was the person in whose interest the Committee was called upon to vote for the Amendment, he (Mr. Cardwell) thought that the Government might fairly claim those portions of his speech, although, as he had previously said, they would lose the advantage of his vote. But his noble Friend objected to the extension of the income tax to Ireland. Here, although it was the misfortune of the Government to differ from his noble Friend, the blame did not rest with them, because his noble Friend had himself stated that he had always been in favour of an income tax to Ireland, on the ground that Ireland ought to bear its just proportion of the public burdens. But the noble Lord objected in this particular instance, because, as far as regarded the north and the east of that country, he had not heard of any equivalent in the Budget being offered to them. But if it was just and right that Ireland should bear a fair share of the public burdens, and the noble Lord had always thought so, what was the meaning of giving them an equivalent? Now, he (Mr. Cardwell) also wished to say a few words on the subject of the extension of the income tax to Ireland. If there was any one feeling which ought to be dear to every heart in the United Kingdom, it should be this—a sincere desire that in all things, not merely as to questions of taxation, but in privileges as well as in burdens, all parts of the United Kingdom should be viewed as one comprehensive whole, and to draw as few distinctions as possible. He believed that while they were occupying themselves in these debates, in weighing with drachm and scruple the comparative proportions of advantage to be given to particular portions of the Kingdom, they were responding but in a very small degree to that public opinion which had greeted the appearance of the present Budget. Public opinion was with the Budget. Public opinion looked not so much at the comparative proportions of advantage or disadvantage which England or Scotland or Ireland had to derive from the measures of the Government, but it felt that, upon the whole, a comprehensive measure had been proposed, the result of which would be to confer inestimable benefits upon the whole of the United Kingdom. It was from this aspect that that he invited the Committee to look at the question; and, looking at it with this view, he deeply regretted to hear that the sanction of a name for which he entertained the highest respect and regard had been given last night to this invidious comparison between different portions of the United Kingdom. He could not help remembering, when he heard his right hon. Friend the Member for Portsmouth (Sir F. Baring) draw his comparison between Great Britain and Ireland, that the very last time when Parliament made great remissions of taxation, namely, in 1851, there was one remission which was called for by public opinion. He alluded to the abolition of the window duties. That was not a tax which applied to Ireland. His right hon. Friend was one of those who introduced it to the House; but he had never heard his right hon. Friend argue that as Ireland was exempt, that was a reason why England should not receive some benefit. He (Mr. Cardwell) did not understand the arithmetic which calculated upon these invidious distinctions. The question at issue was far more important. It was this—was this House so satisfied with the past experience of the income tax, and had the financial improvement it had effected been so satisfactory, that they were willing to make another great and decisive step forward in the same direction? Now, what were the circumstances under which the income tax was proposed, and what were its effects? The income tax was imposed at a remarkable period, when by successive deficits for several years there had been entailed upon us a debt of 10,000,000*l.* in times of peace. It was proposed when every other expedient had been tried and failed; it was imposed after they had tried in vain, by adding 10 per cent to one tax, and 5 per cent to another, to recover the annual expenditure. Then it was, and under such necessity, that this engine was first resorted to; and what had been the first effect of the experiment? 2,000,000*l.* of taxation was remitted when it was imposed; and in three years what was our position? Why, that the Customs and Excise produced as much after the remission as they produced before. Was that all? Sir Robert Peel, having asked the House of Commons for the tax for three years, said it would be possible to take it off at the end of that period. Was that pledge falsified or was it fulfilled? The balances in the Exchequer on April 5, 1845, were 6,500,000*l.*, while the income tax only produced 5,100,000*l.* and the net surplus in actual income was 1,250,000*l.* Besides, they were entitled to take credit for the receipts of the current half year. They had then the power of renewing the tax, and they had a surplus, including the amount for which they were entitled to take credit, of nearly 4,000,000*l.* But so much was the House encouraged by the experiment, that they tried it again upon a far larger scale. In the year 1845 they made a further experiment, and took off 5,500,000*l.* of taxation. Sir Robert Peel, when he first introduced the tax, mentioned five years as its probable limit. This would bring it to 1847, and he (Mr. Cardwell) particularly mentioned 1847 on account of the occurrence of that dreadful calamity to Ireland, the famine. Now what in the year 1847 was the position of the country? They had taken off Customs and Excise duties to the amount of 7,500,000*l.*, yet the revenue had recovered itself. And what was our position now? In the interval we had again removed more than 3,000,000*l.* of taxation; so that altogether since 1842 nearly 11,000,000*l.* of taxation had been removed from the Customs and Excise—that was, nearly one-third of the whole burden of those taxes. Against all this the revenue had recovered itself. Such, then, was the past history of the income tax, which Great Britain had been bearing for the last ten years, and from which Ireland had been exempted. But had Ireland had no share in all this benefit? Yes. Prohibitory duties had been entirely repealed. Protective duties—that was to say, duties levied upon the community, but not paid into the Exchequer—had also been repealed. Articles of the first necessity had been reduced in duty, the raw materials of industry had been freed, trade had been stimulated, industry encouraged, and large revenues and profits had been the result. And had Ireland derived no share in all these advantages? Yes, pre-eminently she had. He had heard an hon. Member from Ireland to-night, he was sorry to say, speak of some of these reductions as if they had been losses instead of benefits. ["Hear, hear!"] The hon. Member cheered him; but he would ask, had it been a loss to the starving multitudes of Ireland to have the duties removed from articles of the first necessity? Whose suffering was it that rendered it necessary for the British Parliament to remit those duties? What had been the particular benefit even in money value to the people of Ireland? The calamity which fell upon Ireland cost 9,000,000*l.* The income tax had enabled them to bear it; but was this all? He was not going to quote figures or statistics; but this he could tell hon. Gentlemen, that in the interval the shipping of Belfast had doubled, and that the railway traffic in five years had more than trebled. It should be noticed, that if to a great and wealthy country the improvement of its commercial resources was of value, to a poor and destitute country that improvement was beyond all price. Had the advantages to Ireland been limited to mere profit? Whence had come the capital invested in land in Ireland? Whence had come the development of industry, or the money which had constructed the railways in Ireland? He maintained that all these advantages were traceable to the financial reformation which had been effected during the last ten years, which had stimulated trade, and increased the prosperity of the whole United Kingdom. He would now say a word as to the Motion before the Committee. It might be thought they were about to divide upon the Motion of the hon. Member (Mr. Lawless), who proposed that the words "Great Britain" should be substituted for "United Kingdom," in line 2 of the Resolution of Mr. Chancellor of the Exchequer. But that was not the proposition on which they were going to divide, nor upon the proposition whether the income tax should extend to Ireland. They were called upon to divide upon a general proposition that—

> "The continuance of the income tax for seven years, and its extension to classes hitherto exempt from its operation, without any mitigation of the inequalities of its assessment, are alike unjust and impolitic."

Now, when one found in Committee of Ways and Means a Resolution, not couched in terms affecting money, but containing a general proposition, one must know there was some peculiar motive for that particular form of proceeding. He had listened with interest to the speech of the hon. Baronet who moved this proposition (Sir B. Lytton), and he heard him say that he was animated by the same principles that had hitherto animated his exertions on behalf of native industry. "Then," he (Mr. Cardwell) said to himself, "this is, in reality, a Protectionist Amendment in disguise." [*Laughter from the Opposition benches.*] Hon. Gentlemen might laugh; but he begged to call their attention to what followed immediately after the speech of the hon. Baronet. An hon. Gentleman, the Member for Herefordshire (Mr. Booker), justified the vote he was going to give in favour of the hon. Baronet's Amendment in this way. He said he represented an agricultural constituency, and he quoted the powerful argument of the Chancellor of the Exchequer, which he said had enlightened him on this subject, and had taught him that agriculture paid at the rate of 9*d.* in the pound, where trades and professions paid only 7*d.* The hon. Member was, of course, much beholden to the Chancellor of the Exchequer for opening his eyes on that point, and he would probably never again vote that agriculture should pay at the rate of 7*d.* in the pound, and trades and professions only 5½*d.* The hon. Member also said that agriculture had paid 6,000,000*l.* too much in the last ten years, and that if the income tax were reimposed for another seven years the excess would be 3,000,000*l.* more. Was the object in moving this particular Amendment, then, to take these burdens from agriculture, and lay them upon trades and professions? If they were going to make an equality between trades and professions on one side, and agriculture on the other, let that be so understood; but do not let them suppose that trades and professions were so simple as not to guess, if the general proposition was to attempt to redress inequalities, it was not intended to prevent agriculture from bearing 3,000,000*l.* of taxation. His noble Friend (Lord Jocelyn) had also adverted to this subject, for he said they must deal with professions and the land, and he particularly instanced the cases of yeomen, classes of persons of 60*l.* or 70*l.* a year, upon whom he said the Budget would fall with peculiar severity. But his noble Friend voted in December for the proposition which would have made the income tax descend not only to incomes of 100*l.*, but to incomes of 50*l.*—a tax, therefore, which would have touched these 60*l.* and 70*l.* incomes; whereas now by the present proposition they were not touched at all. Besides, in December it was proposed to tax them at 7*d.* in the pound, whilst the present proposal was only 5*d.*, and thus a heavier rate would have been laid upon them than was proposed to be laid by the present Budget upon the class superior to them. But did the case stop here? No; for his noble Friend, in his zeal for the yeomanry classes, whom, by his vote in December, he would have subjected to a tax of 7*d.* in the pound, would have given them the further consolation of a double house tax. Again he said that although he should not have the pleasure of the vote of his noble Friend, he thought he was entitled to take the credit of some of the arguments in his speech. The Amendment, as he had said, was couched in general terms; but its supporters had not told the Committee how they proposed to accomplish its objects. How did they propose to redress the inequalities of which they complained? He had not the honour of a seat in that House when the last Budget was proposed, in December; but he understood it broke down in debate, being based upon an imperfect acquaintance with the operation of the schedules. What plan were they going to propose now? His hon. Friend the Member for the West Riding (Mr. Cobden) had told the truth when he said it was not so much the inequalities of the tax that were objected to as its inquisitorial character; and he was confirmed in the truth of that remark by high authority. If you looked into Adam Smith, you would find him saying that an inquisition which descended to every man's fortune would be a grievance such as no country would submit to. [Sir J. PAKINGTON: Hear, hear!] The right hon. Baronet the Member for Droitwich cheered, as if that passage was an argument against the income tax—as if he had never voted for an income tax, and as if the Budget of his Ministry in December did not contain an income tax—[Sir JOHN PAKINGTON: But how about the legacy duty?] He (Mr. Cardwell) was not speaking of the legacy duty. He was doing as his noble Friend (Lord Jocelyn) had advised them to do, and was confining himself to the question then under discussion; but if hon. Members wished to discuss the question of the inquisitions that would be necessary for the purpose of collecting the legacy duty, he should be quite ready to debate that question with them at the proper time. But, in the meantime, he wished to deal with the question as to what the effect would be if they were ready to deal with the grievance which constituted the injustice of the income tax. That grievance was this: that it was an injustice—of which the case of the Long Annuities was the favourite illustration—to tax the capital of one man, and only the income of another. But in human affairs capital and income were so inextricably intertwined with each other, that in order to prevent this injustice and unravel this intricate association, they must carry the income tax to the separate case of each man. They might depend upon it, that in proportion as they approached the greater justice in the income tax, in that very same proportion would they add to the inquisitorial nature of the system to be called into operation. This had been the conviction of hon. Gentlemen who had investigated the question in the Committee. Then what was the question? The question before the Committee was, whether they would call upon all parts of the United Kingdom to contribute again to a tax from which the country had derived, for the past ten years, most inestimable advantages, and from which, during the next seven years, the anticipations of the Chancellor of the Exchequer were certainly not too sanguine. They were told that they ought not to extend this tax to an impoverished country—that it ought to be imposed upon a rich and prosperous country only. But, in the first place, if they were to extend a tax to an impoverished country, the natural remedy against oppression would be to choose a tax which would apply to certain incomes, because then they would be quite sure that it would not touch impoverished persons. They were told by gentlemen of the highest authority that the remission of the consolidated annuities was applying a remedy to Ireland exactly of the kind required—that was, that it removed the pressure of her burdens from those who most felt them. But was it only those who had spoken on the same side as himself on this occasion, whom he would summon as conclusive authorities in favour of the imposition of the income tax in Ireland? He begged to call the attention of the hon. Member for Mayo (Mr. G. H. Moore), who began the debate that evening, and who had found so much fault with the right hon. President of the Board of Control (Sir C. Wood), because, having resisted the income tax when the poor-law burdens were severe, he was willing to impose it now that these burdens were no longer in operation. In 1847, when the pressure of the poor-law was indeed at its height, there was, unless he (Mr. Cardwell) was misinformed, a meeting held in Dublin, at which the hon. Member for Mayo supported a proposal that the poor-law burdens should not be charged on the poor-rates; but that in lieu thereof there should be an income tax imposed. [Mr. G. H. MOORE dissented.] The hon. Member for Mayo, he observed, shook his head; but he could only say he found it so stated in the debate which took place in the House of Commons on the 17th of March, 1848. He would now, with the permission of the Committee, read the answer which the hon. Member for Mayo made on that occasion:—

> "With regard to the discovery which the hon. Member for Marylebone had made, that there was one bad thing which did not exist in Ireland, and with regard to his extraordinary anxiety to supply that deficiency, he admitted that he agreed with the hon. Member in thinking that property in Ireland ought to be amenable to income tax. He thought it was just to the people of this country, and necessary for the welfare of the people of Ireland, that every man, and every description of property, should be made to bear his share of the national burdens. While the tradesmen of England were contributing to the necessities of Ireland, and while the former was endeavouring to bear up against an impossible experiment, was it not monstrous that the man who received twenty times the income of either should be allowed to sneak out of the difficulty and escape free? So far from thinking that the present circumstances of Ireland exonerated her people from the payment of an income tax, he was of opinion that the present condition of the country was the very reason why they should be taxed."—[3 *Hansard*, xcvii. 718.]

MR. G. H. MOORE said, that the right hon. Member had forgotten that the speech which he had just quoted was in support of a proposition which he had put upon the paper of the House—but which he was not then allowed to move—the object of which was to impose an income tax on Ireland for the support of the poor during the famine.

MR. CARDWELL said, he must beg to remind the hon. Member that the income tax was now being extended to Ireland when the whole of the burden which was then imposed for the relief of the famine was to be removed. He begged also to observe that the speech of the hon. Member, on whatever occasion it was made, was a very good speech, his argument a very good argument, and his language such as he had great pleasure in quoting, because it was so much more powerful than any he (Mr. Cardwell) could use. In conclusion, he would ask the Committee to consider this. He had troubled them with a very concise summary of the benefits which consumers had derived from the financial reforms which, under the shelter of the income tax, they had been enabled to accomplish. They had also done this:—When they were first driven to impose the income tax, the capital debt of the Kingdom was 791,000,000*l.* Now, at the expiration of ten years, they had paid the Irish debt of 9,000,000*l.*; they had reduced the original capital of the debt nearly 12,000,000*l.*—that was to say, that the capital debt now stood better by 20,000,000*l.* than it did before. Nor was this all. The balances of the Exchequer were then little more than 1,000,000*l.* They were now nearly 9,000,000*l.*, having increased 7,500,000. This income tax, too, was the same instrument which had enabled the right hon. Gentleman the Member for the University of Cambridge (Mr. Goulburn), when Chancellor of the Exchequer, to remove from the annual pressure of the debt the sum of 1,200,000*l.* These were benefits to the whole United Kingdom; and what the Committee were now called upon to do was, by an equal and just measure, to renew for seven years longer this great experiment, in order that they might confer upon the community, in time to come, similar advantages—that as they had in times past removed the duties on light and air, so they might now remove the duty on cleanliness; that as in times past they diminished the duties on sugar, so now they might diminish the duty on tea. The proposition before them was to confirm a plan by which they would extend the comforts of the people, stimulate the trade, and increase the resources of the country. From 1798 to 1816 was a period of eighteen years. The income tax carried them through the revolutionary war of that period. From 1842 to 1860 was also a period of eighteen years; and if they continued the income tax for that period, it would help to carry them through a different conflict; for, as an hon. Member had said that night, they were engaged in a new species of conflict, namely, in the peaceful rivalry of commercial enterprise; and unless they unfettered industry, and relieved it from every undue weight, it would be unable successfully to prosecute that course. The late Sir Robert Peel, when he began to extend to this country the many advantages to which he (Mr. Cardwell) had referred, found it, perhaps, the most heavily-taxed country in Europe. If this Budget should be sanctioned, it would probably leave the country in 1860 in the reverse position. With her ports open to every country in the world, all the commerce of the earth would necessarily gravitate towards England. No one need then retire to a foreign country for cheapness—for this country would then be the cheapest, as it was the happiest, country in the world. That being the case, let them not degrade this great question to the level of a mere dispute as to which part of the Kingdom should have the greatest share of the burden. They were going to confer inestimable privileges upon the United Kingdom, and unless they could show that there was injustice in some portion of the taxation by which a great public benefit was thus to be conferred, it was their duty to give their cordial assent to a measure which was replete with the happiness and comfort of the people.

Mr. HENLEY said, that the right hon. Gentleman, following the footsteps of the Chancellor of the Exchequer, had drawn a rather flattering picture of the results which this particular tax had produced, and had told them that in times past it had carried the country through the revolutionary war, and that if they continued it for another eighteen years, dating from 1842, it would make another revolution. He (Mr. Henley) hoped it would not be a revolution in the true sense of the word. But a little candour might have suggested to the right hon. Gentleman that the question before them was not as to whether they should raise 5,500,000*l.* by direct taxation, but whether they should raise it in a more equitable form than at present. That was the issue before them, and he was bound to say that the right hon. Gentleman had scarcely addressed a single argument to that. It was true he had told them that it was within his knowledge that in 1845 Sir Robert Peel addressed his mind to the inequalities of the tax, and that he found himself unable to remedy them. He (Mr. Henley) also went into the Committee on the income tax two years ago, impressed with the belief that it was hardly possible to remedy the inequalities of the income tax. The inquiry which followed showed him that his opinion was erroneous. The hon. Member for the West Riding (Mr. Cobden), on the other hand, entered the Committee believing that it was very easy to remedy the inequalities of the tax, and came out of it with the opinion that it would be extremely difficult to effect that object. This proved that persons looking at the same thing might honestly arrive at different conclusions respecting it. All that had fallen from the right hon. Gentleman who had just spoken, from the Chancellor of the Exchequer, or the President of the Board of Trade, amounted only to this, that because you could not do all justice, you could do no justice. That had been precisely the case adopted by the Court of Chancery—never to do anything for fear of doing an injustice—a system so beautifully contrived and spun out that the greatest delay was the greatest injustice. But the Government were called on to do a different kind of justice. Because, however, they could not do all justice, they declined to do any. The right hon. Gentleman had stated that this case was to be argued generally on the consolidated annuities. He (Mr. Henley) admitted that in all those cases into which capital came, there was such an intricacy between capital and income that it was almost impossible to separate them without a machinery so expensive and so difficult that their action would be clogged. But was that any reason why they should not deal with those classes where these difficulties did not arise—where the income was derived from sources wholly different? The Chancellor of the Exchequer said, that, at the present moment, the land paid *9d.* and professions *7d.* He (Mr. Henley) was glad to find, in his estimate, that the Chancellor of the Exchequer took so liberal a view with respect to the calculation on real property—a calculation in which it was to be presumed houses were included. Upon the subject of the income tax the hon. Member for the West Riding said, that the great objection to it was the inquisition to which it subjected people; and the right hon. President of the Board of Trade said the same. Now, if this were so, the Government were establishing an additional inquisition as grievous and as inquisitorial in their succession duty. The President of the Board of Control had last night taunted those who sat on his (Mr. Henley's) side of the House for not taking the *8s.* duty when it was offered to them by the noble Lord (Lord J. Russell). Now, that was rather an old story to rip up; but he confessed he had never heard the Whigs, when they used that taunt, venture to say they could have secured the landed interest the *8s.* duty beyond 1846. Unless they had told them that, and he had believed them—which had something to do with it—he thought perhaps they were as well off as before. But what was the present offer of the Chancellor of the Exchequer? The choice between *7d.* and *5¼d.*, and the succession tax. How would that work? It appeared to him the burden would be very much against the land. Without entering into details, he was prepared to think that, considering the difference between these two taxes, a man when he came to estimate how much premium he would have to pay to get the succession duty, would find it a losing bargain for the landed interest. A great deal had been said in the course of the debate with respect to the justice or injustice of extending this tax to Ireland. Now, every man must admit that the taxation of the two countries had been always different. In 1842 Sir Robert Peel did not impose the income tax on Ireland, but he proposed other countervailing duties, amounting to about 400,000*l.*, or thereabouts. One of those duties had been repealed equally with regard to the two countries. So far, that was a gain altogether. But was Ireland now in a better position than she was in 1842 to bear the 460,000*l.* income tax, and a sum of 230,000*l.* for spirit duties? The drawbacks upon spirits would also apply equally to the United Kingdom. In addition to the income tax, Ireland would have to pay about 200,000*l.* for succession duty, and the proposition, therefore, with regard to that country, he could not admit to be just. The right hon. President of the Board of Control had read last night an account of several Unions in Ireland, showing what the greatest gain would be in particular parts of Ireland. The right hon. Gentleman selected those districts most favourable to his case, but he added that, although forty-five of the most distressed Unions in Ireland would pay 83,000*l.* a year in consolidated annuities, they would only pay 42,000*l.* to the income tax. This was a material item in the case. In the first place, the Irish people denied the justice of the claim. In the next, they did not pay the instalments, which was a more material part of the question. It was one thing to owe a debt, and another to pay it. Out of the whole sum of 240,000*l.* due from the Unions, not more than one-half was paid during the last year, and he did not suppose that the most distressed Unions were the paying ones. If Ireland denied the justice of the debt, and was backed up in that opinion by the Resolution of the Committee of the House of Lords, that upwards of 2,000,000*l.* was not due, and she declined paying, and did not pay, it would not be difficult to ascertain the nature of the proposed exchange, by which she would be compelled to pay 600,000*l.* or 700,000*l.* a year, instead of the 240,000*l.* which she did not pay; and which she denied the justice of paying. The bargain was certainly neither a good nor a just one. He was decidedly in favour of equal laws and equal taxation in each of the three countries; but "equal taxation" did not mean "the same taxation," or the same taxes, because, so far as Ireland was concerned, that country started in 1800 with peculiar circumstances, the nature of which it was necessary still to respect. But a great deal had been said with respect to the great benefits of keeping the income tax for the next seven years. The arguments on this subject had been very contradictory on the part of those hon. Members who had supported the proposition. The hon. Member for the West Riding (Mr. Cobden) and the hon. Member for Montrose (Mr. Hume) said that they would support the proposition of the Government because they hoped the tax would be a permanent one, and would continue beyond that period; while the right hon. the President of the Board of Control held out a certain prospect that the tax would cease at the expiration of the seven years; and he taunted hon. Members upon the Opposition side of the House because no arrangements were made in the Budget introduced by the late Chancellor of the Exchequer for getting rid of the tax. Such a taunt was not, he (Mr. Henley) thought, well founded. So far as the gain from the reduction of the 3¼ per cents, and the falling in of the Long Annuities was concerned, that was a gain common to both the past and the present Budget. In the proposition before the Committee the income tax was taken at 6,000,000*l.*, new taxes laid on about 2,500,000*l.*, and taxes taken off 3,300,000*l.* The greater part, however, of the taxes taken off arose from entire abolition. In the proposal of his right hon. Friend the late Chancellor of the Exchequer, the income tax was taken at 5,500,000*l.*, the taxes put on about 1,000,000*l.*, and taken off 2,700,000*l.*; but the taxes taken off were not entire remissions, but reductions, and being reductions would probably soon *recoup* themselves, and make up the loss to the revenue, so as to enable the country the better to part with the income tax; whereas, in the case of the proposed remissions, such recovery was impossible. But if the fund derived from the income tax was found to work well, and to produce all those benefits which were predicated of it, it was not to be conceived that the public would consent to part with it, and upon this account he was the more anxious to see the tax placed upon as perfect a footing as possible. He believed that many of the greatest injustices connected with levying the tax might be remedied; and he considered it unwise to continue the tax, with all its enormities, until it stank in the nostrils of the commercial classes, and the Government would be compelled to relinquish it. The right hon. Gentleman the Chancellor of the Exchequer, in his most able and eloquent speech—and he hoped that House would never fail to do justice to the great ability of the right hon. Gentleman, whose talents shed a lustre, not only upon the House of Commons, but upon the country—not only stated what he intended to do, but what he intended not to do. The right hon. Gentleman (Mr. Disraeli) was attacked with regard to what he had said about imposing a succession tax. His right hon. Friend said, however, "We think it not impossible to bring forward a plan on the proper occasion; but we should not think it wise to introduce such a plan if we were not at once prepared to act on it." The present Chancellor of the Exchequer, however, said, "The question the Committee has to consider is, whether or not we should make efforts to part with the income tax. I do not say that such an alternative is impossible. On the contrary, I believe that it might be effected by a conjunction of three measures, one of which must be a tax on land, houses, and other visible property, of perhaps 6*d.* in the pound; another, a system of licences on trades"—hon. Gentlemen opposite would attend to that—"on trades universally, not particularly, of 7*l.*, and a third, of charges on the legacy duty." Now, he (Mr. Henley) was one of those who judged of men's words by their acts. He found the Chancellor of the Exchequer, and other Members of the Government, talking about getting rid of the income tax in seven years. He found the right hon. Gentleman proposing to do two of the things which might enable him, as he had said, to repeal the income tax. He found the right hon. Gentleman telling the Committee how they might get rid of the tax immediately; but then it was evident he was feeling his way—to say nothing of the tax on successions—to the system of licences. Then there was the tax on land; and he wished to call the attention of hon. Gentlemen to the circumstance that the Chancellor of the Exchequer was paving the way to a land tax of 6*d.* in the pound—perhaps with a view of substituting it for the income tax. Therefore, so far as the landed interest was concerned, he saw nothing to make them enamoured of the present Budget. There was another point connected with the Amendment before the Committee which rather surprised him that hon. Gentlemen on the opposite side had not noticed. What they were going to do now, if they voted this tax for seven years, was to part with the control of every single farthing of taxation for that period. It used to be the practice of that House to keep in hand a portion of the revenue of the country. It was the case with the sugar duties; and when these were disposed of, the income tax remained. They were now about to part with that tax, which, in his opinion, was not alone inconvenient, but also unwise, as that House should always exercise a constitutional control over the taxation of the country. These were the reasons that induced him to agree to the Amendment which had been proposed by the hon. Member for Hertfordshire (Sir B. Lytton) to the first Resolution of the right hon. Chancellor of the Exchequer. Regarding the income tax in the aspect he did, he did not consider it wise or politic to continue it for a period of seven years. Even though Her Majesty's Ministers should be sincere in their intention to remit the tax at the end of that period, he did not believe it wise or politic to continue it to them. He disapproved of the injustice of saddling Ireland with the tax. It was not wise to set up a machinery in that country for seven years, even though it was intended to get rid of the tax at the close of that period. Neither had the machinery for collecting it in that country been referred to. That there were small occupiers in Ireland could not be doubted; and it would have to be collected from these small occupiers, whether they paid rent or not. In 1842, when Sir Robert Peel proposed the income tax for five years, he declined to extend it to Ireland; and nothing had since occurred in the condition of that country to justify the imposition of the tax. With these observations, and thanking the Committee for their kind attention, he should conclude by stating his intention to support the Amendment.

Mr. CAIRNS said, he had no desire to monopolise for Ireland the discussion of this question; but he wished, as an Irish

Member, to say that he would never demand from that House anything in the nature of a boon for Ireland, and that he would never hesitate to vote for subjecting that country in any shape or form to any impost which could be shown to be just. With regard to the income tax, if ever it should be proposed to Parliament that that tax should be made a perpetual source of revenue, and so readjusted as to get rid of the present inequalities, he certainly would not refuse his vote in favour of its extension to Ireland. He felt it his duty, however, on the present occasion, to vote for the Amendment, because he considered, that, according to the proposed arrangements, there was great inequality in the operation of the income tax. He had never heard any hon. Member, not even the Chancellor of the Exchequer himself, maintain that the income tax as now adjusted, was a fair and equal tax. On the contrary, the Chancellor of the Exchequer had stated objections to the tax, and had admitted that its operation was unequal and unfair; but not a single Member had asserted that it was impossible to rectify those inequalities. All that had been said on that point was, that the rectification of these inequalities was a matter of much trouble, and involving considerable difficulty. He must, however, express his regret that the right hon. Gentleman (the Chancellor of the Exchequer) had not himself attempted the rectification. Now, so long as it was admitted that the income tax operated unequally, he (Mr. Cairns) would always give his vote against that tax, whether it was proposed to apply it to England or to Ireland. The Chancellor of the Exchequer had alluded to the income tax as an engine of gigantic strength, which ought only to be used in times of great peril and emergency; and he (Mr. Cairns) thought that was a most forcible reason for readjusting, and amending, and rendering as efficient as possible, this important and valuable engine of finance. They were, however, asked to continue this mighty engine with all its inequalities and unjustness for seven years, and then to put it aside, to be brought into action when any emergency might occur. Now, when a war was over, did the House disband and disperse the Army of this country? No; they reduced the force of each regiment, but they retained a nucleus by which the Army might be re-established if circumstances rendered such a measure necessary. Then, why should not the same course be adopted with reference to this mighty engine—the income tax? It might be maintained during periods of quietude at the lowest possible point; every means should be adopted to render its application just and equal; and then, in times of difficulty, it might be brought into full and vigorous operation. He objected, also, to the proposed continuance of the income tax, because he thought that before the Committee consented to the renewal of that tax at its present amount, they should be satisfied as to the exact amount of the other taxes which were behind the income tax, and which were afterwards to be brought forward; and if one of those taxes was—like the proposed tax upon successions—of a novel and unprecedented description, he thought the Committee might fairly ask the Chancellor of the Exchequer to satisfy them as to the data upon which he had formed his opinion with regard to the amount which he calculated this new tax would produce. It had always appeared to him (Mr. Cairns) that the exclusion of land from the present system of legacy duties was an invidious exemption, and one which required careful reconsideration. He would be glad if these duties were reconsidered, and if land and settled property were subjected to their operation, provided it was not done in the crude manner suggested by the Chancellor of the Exchequer. He maintained that they should bear in mind the other duties to which land was now subjected—as, for instance, the stamp duties, by which land was burdened upon every transfer—and from which personal property was exempt. Not many weeks since the Chancellor of the Exchequer told that House how impossible it was to approach the subject of extending the legacy duties to land without taking these things into account; and he could not understand how the right hon. Gentleman had so utterly abandoned the course which he then seemed to point out. He wished to ask the Committee to consider how much the legacy duties were supposed likely to produce? Did it ever happen that a Chancellor of the Exchequer had introduced a novel and untried tax without a more definite estimate of what it was likely to produce? But all that the Chancellor of the Exchequer said, was, "The amount I expect to derive is over 2,000,000*l.*" Now he thought the Committee had a right to expect some data and statistics upon this subject, so that they might calculate whether the sum to be derived from this tax had been correctly stated or not. Now, what was the property which would be subject to that duty? He would first take personal property. The Chancellor of the Exchequer proposed to subject to the legacy duties every settlement of personal property, and every description of personal property. Suppose a couple marrying and settling 5,000*l.* in the funds upon themselves and their children. When the father and mother died, the children would pay a succession duty upon that sum. Now, upon what amount of property would this tax be levied? The Chancellor of the Exchequer said he had ascertained that the sums held in the Bank of England upon joint account were 480,000,000*l.*; and it was fair to suppose that where there was a joint account the property was for the most part subject to settlement. He agreed in the correctness of that opinion. There was also a further sum of 50,000,000*l.* in the hands of the Court of Chancery, which was the subject of settlement. Some of this vast amount of property might no doubt be settled by will, and might, therefore, be subject to legacy duty, but the property settled by will was by no means so great in amount as that which was settled by deed of settlement. Now, had the Chancellor of the Exchequer determined in his own mind how much would be taxed for the first time by his new duties, and how much had been taxed before? That was only one item. Settlements now, especially marriage settlements, were usually vested in trustees. A large amount of money upon mortgage and policies of assurance was conveyed by these marriage settlements. One could hardly over-estimate the amount of personal property represented by these two sources, and he should not be surprised to find that, while the money in the Bank under joint settlement amounted to 480,000,000*l.*, the sum represented by policies of assurance and monies lent on mortgage, which were made the subject of settlement, amounted to as much more. There was also settled in marriage settlements a large amount of property in railway shares and foreign funds, which would now be subject to duty for the first time. He did not say that it was not right to subject this property to these duties. Let him take now the subject of land. It was estimated that the annual income of the land of this country was 80,000,000*l.*, which represented a total amount of *corpus* of 2,000,000,000*l.*, which was to be operated upon by this duty. There were many ingredients in the calculation before the produce of this tax could be arrived at. Had the Chancellor of the Exchequer, for example, ascertained how often the successions to this property took place? He must have considered this before he could calculate how much the duty would produce. It would not do to ascertain as a datum the number of deaths alone, because the right hon. Gentleman must also ascertain how many of the next successors were owners for life, and how many were absolute owners. If the owner for life came into possession, he would only pay upon his income and his life interest; if the absolute owner came into possession, he would have to pay upon the *corpus*. Then the duties varied, according to relationship, from 1 to 10 per cent; and what did the right hon. Gentleman calculate the average to be? The Committee would like to know whether he took the average at 2 or 3 or 4 per cent, what was the average number of tenants for life, and what duties were payable by them and absolute owners respectively. He had not spoken to any person out of doors whose opinion was worth having who did not say that it was perfectly idle to suppose that the amount collected under the proposed legacy duties would be limited to 2,000,000*l*. The general opinion among those who were most competent to form a judgment was, that the duties would amount to 4,000,000*l*. per annum. He had heard what he could not agree with, that the Government were unwilling to state the statistics of this question for fear that the Committee should be startled by the amount that would be collected from this source of revenue. Now, although the Chancellor of the Exchequer anticipated carrying his Budget as a whole, still it would only have been fair, before the Government asked the Committee to reimpose the income tax, that they should know how much the legacy duties were likely to bring in; because, if the Committee had the proper statistics before them, they might be of opinion that the Chancellor of the Exchequer could do without the income tax? If the sum to be realised by the legacy duties were very nearly equal to the amount raised by the income tax, then the Committee might spare themselves all these discussions. He would now say a word or two with reference to Ireland, and why he considered it impolitic to extend the tax to that country. The Government said it was to be only a temporary tax. But was it worth while to subject Ireland to a seven years' income tax, and to the operation of a machinery which neither the people of that country nor their forefathers had ever yet seen? If the income tax were to be permanent, and to be adjusted, let it go to Ireland by all means. Sir Robert Peel, when he first introduced the income tax, said, that on account of the absence of the necessary machinery in Ireland, he should not subject Ireland to it, because it was a temporary measure. On the other hand, Sir Robert Peel put a duty upon stamps, and an additional duty upon spirits. Notwithstanding an assertion to the contrary, which had been made in the course of this debate, the stamp duty in Ireland at present was nearly double, compared with what it was when Sir Robert Peel introduced the income tax. The spirit duties Sir Robert Peel increased, but the increase was subsequently given up. These were two alternative duties which Sir Robert Peel levied in place of an income tax in Ireland. But the present Government were going to make them cumulative instead of alternative, and were going to put the whole upon Ireland. Was it just, then, to put on now not merely the income tax, but the increased spirit duty? and were the Irish Members to be told, because they complained of the injustice, that they were trying to shuffle off the payment of taxes which Ireland ought to pay? The right hon. Baronet the President of the Board of Control had alluded the other night to that part of Ireland with which he (Mr. Cairns) was connected. They had had a discussion on a previous evening, during the debate on another subject regarding Ireland, as to whether or not certain denominations in that country were given to resort to the practice of proselytism; and it had occurred to him, from the manner of the right hon. Baronet, that he (Sir C. Wood) was endeavouring to proselytise certain Irish Members who did not hold what he called sound views on this matter. The right hon. Baronet had, however, two objects, and his second was to show that he had always been consistent in his views with regard to Ireland. He (Sir C. Wood) must have found that a difficult task, for there was a certain speech made on a particular occasion not long ago, in which the right hon. Baronet stated that he, for one, would never consent to the extension of the income tax to Ireland. This speech had attracted the attention of the Irish Members, and the feeling that prevailed among them was that the right hon. Gentleman might be relied on to oppose the extension. But the right hon. Gentleman had now endeavoured with great boldness to explain this seeming inconsistency by saying that he did not mean the country at large, but certain districts; that he would not consent to extend it to the distressed agricultural districts, and that, now that they were going to remit the burdens upon them, there was no longer any reason why his celebrated *dictum* should remain law. If the case were put upon that issue, let them consider the consequences. Was it not the case that the right hon. Gentleman the Chancellor of the Exchequer and the President of the Board of Control had put the issue in this way—that the income tax was to be put upon Ireland as an equivalent and a set-off against the consolidated annuities, which were going to be remitted? The right hon. Gentleman (Sir C. Wood) had read to them a little account of profit and loss with regard to the transaction, in which he showed that Ireland would gain between 5,000,000*l.* and 6,000,000*l.* by the proposed arrangement. That statement certainly contained several fallacies. One was the assumption that the annuities were to last forty years, while the income tax was to last only seven. He (Mr. Cairns) thought that by that time hon. Members had come to the conclusion that it was very problematical when it would cease. Another fallacy of the right hon. Baronet was, that if the consolidated annuities were not remitted, they would be paid. Let them consider the set-off between the income tax and the consolidated annuities. The right hon. Gentleman had admitted that the consolidated annuities were principally raised in that part of Ireland which abounded in small farms, and that, on the other hand, the income tax would be paid by parties who had no share in the payments for the consolidated annuities. What did this mean? It was an Irish piece of finance, and required to be translated into English. Why, it meant that one part of Ireland was to pay the debts of another part. The north and north-east of Ireland, which had no consolidated annuities, and a great deal of income, were to have an income tax put upon them to pay the debts of the south. There was a discussion a few years since about another financial matter, the celebrated rate in aid, as it was called, by which, when their resources were exhausted, and their poor-rates insufficient to maintain their paupers, Unions in the south of Ireland were entitled to come upon the north for aid. The present transaction, in his opinion, was nothing more or less than a gigantic rate in aid. The right hon. Gentleman (Sir C. Wood) had told them to look at Liverpool and Belfast, and say why the latter should not be taxed in the same way as the former. He would put a case which was a better analogy with regard to Liverpool. Supposing there was great agricultural distress in Wiltshire or Dorsetshire, and the poor-rates of those counties insufficient to provide for it, and that they called upon the great trading towns of Liverpool and Manchester to subscribe the sums required, and told them that this was an Imperial question, for which they would be good enough to put a tax on themselves—that would be precisely the same kind of proceeding. The right hon. Baronet said this was an Imperial question. He (Mr. Cairns) was afraid, however, that whether it was an Imperial question or not, his constituents at Belfast had not the Imperial Treasury to fall back upon. It was true that in the greater part of the north of Ireland there were only a few places that had the advantage of the consolidated annuities, and in many of them the amount had already been paid off. But, if they admitted the principle that one part of the country should be made to take upon itself the debts of another, where could they stop? Ought they not to carry it out, and say that those who had paid their debts, since they ought not to have paid them, should have the amount restored to them? But no; the right hon. Gentleman opposite did not do that. He proposed to give them an equivalent in the shape of the income tax. He was afraid that the Government, in legislating for Ireland, did so after an Irish method; this plan was, of all, the most Irish. This was the great and unassailable case of the north of Ireland, so much relied on by the right hon. Baronet the President of the Board of Control. The inhabitants of Belfast would certainly not object to pay an income tax, but they did object to pay the debts incurred by another part of the country. He should not have addressed the Committee on the present occasion, but for the pointed reference which had been made to Belfast, which he had the honour to represent. He had also a pleasant duty to discharge in acknowledging the handsome terms in which the right hon. Gentleman had spoken of the people of Belfast, who had raised themselves to their present position by self-reliance, energy, and perseverance. The compliments of the right hon. Gentleman were certainly well bestowed; but the right hon. Gentleman had heard of the fable of an animal, of which he had imitated—might he (Mr. Cairns) say?—the artifice, but of which he would hardly realise the success. The right hon. Baronet knew the story of the fox, which contrived, by means of compliments more than were deserved, to charm out of the mouth of a too credulous crow a contribution to his Budget, not of money, but of cheese. The moral of the fable was instructive. He had no doubt the people of Belfast would be flattered by the compliments of the right hon. Baronet, but he did not think they would be flattered into liking the income tax. For himself, he would say, as one of the Irish Members, to whom the right hon. Baronet had addressed so much of his eloquence, that he had listened attentively to his arguments, he remained unconverted, and he should vote for the Amendment.

Sir WILLIAM CLAY moved that the Chairman report progress.

Lord JOHN RUSSELL said, he did not object to the Motion, but said he must express a hope that this long debate might be brought to a close on Monday night.

Mr. DISRAELI said, there were several Gentlemen on that side of the House who wished to speak, but he did not think there would be any difficulty in coming to a decision on Monday.

The House resumed; the Committee report progress; to sit again on *Monday* next.

CHATHAM ELECTION.

Mr. COLLIER said, he now rose to move that a new writ be issued for the borough of Chatham. Nothing could be further from his intention than to prevent the infliction of a legitimate punishment in a borough where bribery and corruption prevailed; but writs ought not to be withheld except upon very strong and urgent grounds, and upon some definite and intelligible rule. Where a case was made out for a Commission, let a Commission issue by all means; but where no such case was made out, it seemed to him fair that a writ should issue, or otherwise a constituency must be said to be subjected to a penalty, not only without a conviction, but without a trial. In the present instance, only one case of bribery had been reported by the Committee to exist, and that was the case of an individual who had been bribed by a situation in the Post Office; so that there was no question of Admiralty influence in the matter. It was true the Committee had also reported that the Government for the time being had influence in the borough; but the same thing would apply to every town in which there was a Government establishment like that at Chatham. This matter would be much better dealt with by legislative enactment than by singling out one borough for disfranchisement. It would be well worthy of consideration whether persons employed in our dockyards should be allowed to vote at all; but it was not fair to single out Chatham for disfranchisement when no case had been made made out as to the existence of bribery and corruption. He understood that the Chairman of the Chatham Election Committee would not oppose the Motion.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Chatham, in the room of Sir Frederic Smith, whose election has been determined to be void."

Sir JOHN SHELLEY said, he wished to call the attention of the House to the Report of the Committee upon the Chatham Election, which went much further than the point alluded to by the hon. and learned Member for Plymouth. After alluding to its having been proved that Joseph Greathead, an elector, was bribed by a situation as a letter carrier in the Post Office, the Report went on to add—

> "That it was proved before the Committee that a large number of the electors are employed in Her Majesty's dockyard and other public departments at Chatham, and that they are under the influence of the Government for the time being; and it appears that there is no instance of a candidate being elected for this borough who has not had the support of the Government. Under these circumstances, it will be for the House to determine whether the right of returning a Member should not for the future be withdrawn from the borough of Chatham."

Now, if the House cared so little for the Report of this Committee as to issue the writ without investigation after such a Report as this, he thought it was high time some other tribunal should be appointed for the trial of election petitions. The matter rested entirely with the House; but if any hon. Member would move for the issue of a Commission, he should certainly feel it his duty to support that Motion.

Mr. BRAMSTON, as the Chairman of the Committee who had investigated the case, said he was of opinion, that after the Report of that Committee, the House could not refuse to issue the writ. The Committee, from the evidence before them, did not think it right to move either for the reappointment of that body, or for the issue of a Commission; and it seemed to him, therefore, impossible for the House now to adopt the proposition of the hon. Member for Westminster (Sir J. Shelley), and proceed to issue a Commission with a view to disfranchise the borough. At another time it would be very proper for the House to investigate the circumstances connected with the right of voting in these dockyard boroughs, as they might be called, where there were a great number of voters under the influence of the Government; but this was rather a subject for future legislation than for present decision by the House. At the same time, while he thought the writ ought to issue, the Committee were justified in the Report made by the facts which came before them, for it was proved that out of 1,200 or 1,300 electors in Chatham, 300 or 400 were under the direct influence of the Government. It might be expected, from the very stringent provisions of the order which had now been issued, that the influence over the votes of the dockyard officials would be very much less than it had been. He (Mr. Bramston) should support the Motion for the issuing of the writ.

MR. HEYWOOD said, he was disposed to agree with the hon. Member, but he thought the case of Chatham deserved most serious consideration. It appeared that a very large amount of Government influence was always used, and about one-third of the voters were under the direct influence of the Government—400 out of 1,300. Here was one case that came out: A working shipwright in Chatham voted against the wish of the Government in 1835, and from that time he had never been promoted, but had been carefully kept back and prevented from rising, in consequence of his conscientious discharge of his political duty. It was a case of which the hon. Member for Bristol (Mr. H. Berkeley) might take advantage when he brought forward his Motion for the Ballot.

MR. AGLIONBY said, he was very much in favour of supporting the Resolutions of Committees, and would call the attention of the House to the finding of this Committee. It was very well to say that there was only one case found; but we all knew that in Committees, generally, when one case was found, there was a great deal of laxity with regard to every other case. If the writ were to issue, the finding of the Committee and the proceedings of the House would be considered by the country to be a farce. One case was given of what was called bribery, and then there was a general finding that the borough was in such a condition that it was not independent in its choice; and the Committee stated that, under the circumstances, it would be for the House to determine whether the right of returning a Member should not be for the future withdrawn. Were these merely idle words—words of course? They showed that the opinion and feeling of the Committee was that the writ should not issue without inquiry; and if these words were to have no weight, he (Mr. Aglionby) hoped that no Committee would call the attention of the House to such circumstances in future.

LORD JOHN RUSSELL said, it seemed to him that this Report was of a very peculiar character; it was not of the character of those with which the House had usually dealt, which stated that corrupt practices had extensively prevailed, and upon which a Commission might issue according to the Act of Parliament. No such course was proposed by the Committee; but they had suggested to the House, as the hon. Gentleman (Mr. Aglionby) had just stated, that it might be proper to withhold, not the writ for Chatham on this particular occasion, but altogether the power of returning Members for Chatham to that House. That appeared to him (Lord J. Russell) to be a very serious question. It would be a question whether Chatham was in that situation that it was quite unable independently to choose Members. It would be a question whether or not there were other dockyards in a similar situation. Therefore the matter was one of very considerable importance. The question of disfranchising the borough, singly, ought to go upon grounds of very great public justice. He, therefore, was not prepared at once to come to that conclusion. There was another remedy which was well worthy of consideration, namely, if there were at Chatham, or other dockyards, a number of persons under Government influence, and who were liable either to be coerced to vote for the candidate in favour of the Government, or to be in fear of losing their situations if they did not so vote, whether it would not be proper that such persons should be placed in the situation of revenue officers who are not entitled to vote. He did not say whether this or the disfranchisement of Chatham would be the proper remedy; but it seemed to him a question requiring such grave consideration, that he did not think that at that time of night, when the House had been occupied with a totally different subject all the evening, they ought at once to come to a decision on so important a subject. If the House should be of opinion that no remedy should be immediately proposed, then it might be proper to issue the writ at once; if, on the contrary, the House should determine to proceed to some remedy, he did not think there would be such great injustice in withholding the writ. What he would now suggest was, that this debate should be adjourned to Friday next, or some other day, that the House might consider the question. He would therefore move that.

Debate adjourned till *Friday* next.

MAIDSTONE ELECTION.

Mr. CRAUFURD said, he begged to move for a new writ for the Borough of Maidstone, in the room of George Dodd, Esq., whose election had been determined to be void.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Maidstone, in the room of George Dodd, esquire, whose Election has been determined to be void."

Mr. DISRAELI said, that the evidence taken before the Committee had not yet been circulated.

Mr. PHINN said, he believed that no evidence was adduced before the Committee. Some charges of a very serious nature were made in the petition; but he understood that the hon. Member who was petitioned against either did not appear, or that, as intimated, he had no defence to offer.

Mr. CRAUFURD said, this was a case in which there was no bribery proved, and no special report made by the Committee. All the Committee reported was—

> "That George Dodd, Esq., is not duly elected a burgess to serve in this present Parliament for the Borough of Maidstone; that the last election for the said Borough, so far as regards the return of the said Dodd, Esq., is a void election; that the said George Dodd was, by his agents, guilty of treating; and that it was not proved to the Committee that such treating was committed with the knowledge and consent of the said George Dodd."

Mr. DISRAELI said that, having had the honour of being a Member for Maidstone, he felt interested in that constituency, but he must admit that there were circumstances of suspicion connected with the last election. He had no wish to take a severe course, but he would suggest that the discussion on the issuing of the writ be adjourned until Friday next.

Debate *adjourned* till *Friday* next.

LIEUTENANT ENGLEDUE'S CASE.

Sir GEORGE PECHELL said, he rose to call the attention of the House to the case of Lieutenant Engledue, R.N. This gentleman, who had attained great proficiency in the art of gunnery, some years ago left the service, and went into the merchant navy. In 1840, he being then a lieutenant in the Royal Navy, the Admiralty required him to hold himself in readiness to join a ship, and he having declined to take an appointment as lieutenant, and stated that he would only take that of captain, to which he thought himself entitled, he was formally appointed lieutenant of Her Majesty's ship *Calcutta*, but he left the country in command of a merchant vessel. In October, 1840, therefore, his name was removed from the list of lieutenants of the Royal Navy. Two years afterwards he applied to be restored, but the Government of that day considered that he had been properly removed in consequence of direct disobedience to the order to join the *Calcutta*, and they declined to reinstate him. He would now call the attention of the House to what subsequently took place. On the 1st of December, 1851, Lieutenant Engledue memorialised the Board of Admiralty to have his case taken into consideration, and that their Lordships would restore him to his honourable position of lieutenant in Her Majesty's Navy. On the 11th of December, 1851, an answer was sent to Mr. Engledue informing him that the Admiralty Board, after taking into consideration all the circumstances of the case, was unable to comply with his request. This was signed by Captain W. A. B. Hamilton. On the 18th of December, 1851, he asked that his case might be reconsidered. On the 26th he was informed that their Lordships could see no reason to alter their decision in his case. On the 1st of January, 1852, he again wrote to be restored to his rank; and on the 21st of January, 1852, Captain Hamilton acquainted him that their Lordships could only refer him to their former answer of the 11th of December last. On the 9th of June, 1852, Lieutenant Engledue again memorialised the Board; and the answer given to him on the 16th of June, informing him that their Lordships must abide by the former decision come to in his case, was signed by Mr. A. Stafford. On the 21st of June, 1852, Mr. Engledue again urged his claim, and Lord J. H. Hay, Pro-Secretary of the Admiralty, in a letter, dated the 24th of June, referred him to the answer of the 16th. On the 30th of November, 1852, Mr. Engledue wrote again to the Board, and, in his memorial on this occasion, he stated:—

> "Your memorialist, therefore, respectfully begs your kind consideration of his case, and that you will be pleased to restore him to his honourable position of lieutenant in Her Majesty's Navy. He further hopes that your Lordships will, assured of his devotion, be of opinion that he can be instrumental in serving the Government at the port of Southampton; in which case he would humbly suggest that your Lordships would be pleased to appoint him, in conjunction with his present occupation, to watch or superintend the equipment of contract vessels suited to carry guns, to keep a register of men qualified to manage guns, to superintend the practical training of the various crews (which would entail no additional expense beyond that of having two seamen gunners from Her Majesty's ship *Excellent*), and also the entering of men for Her Majesty's service, with hundreds of whom your memorialist is annually brought in contact. Your memorialist humbly conceives that an attention to these details would facilitate the business of the Government, and he humbly prays their Lordships will take his case into their favourable consideration."

And now let the House mark how successful he was in his application. On the 22nd of December, 1852, an answer came to him from Captain Hamilton, in these words:—

> "My Lords Commissioners of the Admiralty having had under their consideration your memorial, praying to be restored to your rank as a lieutenant in the Navy, I am commanded to acquaint you that you are at liberty to memorialise Her Majesty in Council for that boon."

On the 23rd of December, 1852, Mr. Engledue sent a memorial to Her Majesty in Council. On the 28th of December the memorial was read at the Board, and it was ordered by Her Majesty in Council that the memorial be referred to the Board of Admiralty to report their opinion thereon. On the 3rd of January, 1853, the Board of Admiralty reported—

> "That, in obedience to Your Majesty's commands, we have taken into our consideration the circumstances attending this officer's removal from the list of lieutenants, and his previous services in the Royal Navy, and beg leave most humbly to recommend to Your Majesty a compliance with the prayer of the memorialist."

This document was signed—by whom? By "Northumberland," and "T. Herbert." One would naturally ask why this matter should have been left to the two political officers of the Board. The House ought to know what were the opinions of the other members of the Board of a transaction so wholly unprecedented as this. Well, this Report went to the Queen in Council on the 4th (being the next day), and Her Majesty, with the advice of Her Council, approved thereof, and the Board of Admiralty was to give the necessary directions accordingly. Accordingly, therefore, on the 7th of January, Mr. Ralph Osborne wrote to Mr. Engledue in these words:—

> "Her Majesty having been graciously pleased, by Her Order in Council of the 4th inst., to give directions for your restoration to your rank in the Royal Navy, I am commanded by my Lords Commissioners of the Admiralty to acquaint you that you have been replaced accordingly in your former position, and to direct that you will hold yourself in readiness for an appointment. Your half-pay will commence on the 4th inst."

Thus was Mr. Engledue at length restored to his rank of lieutenant in the Navy without an additional qualification being assigned, and after the same Board of Admiralty in December last refused to restore him to his former position. He wished the House to bear in mind the dates. It was after the general election, and just before another election—namely, that of the new Attorney General (Sir A. Cockburn), when he was about to vacate his seat with a view to his re-election at Southampton, that this transaction took place. It would be remembered that on the 16th of December, 1852, the Budget of the late Government was rejected, and the House adjourned from that Thursday to the following Monday, which was the 20th. On the 20th, the right hon. Member for Buckinghamshire (Mr. Disraeli) came down to the House and stated that the then Government only held office until their successors were appointed. On the 22nd of December, two days after that announcement by the late Chancellor of the Exchequer, the late Board of Admiralty gave notice to Mr. Engledue that if he would memorialise Her Majesty in Council they would consent to restore him to the list. On the 23rd the memorial was sent; on the 28th it was considered in Council, and referred back to the Admiralty. On the 29th, during all these transactions, the writs for Gloucester and Southampton were moved for. Mr. Engledue was all ready, primed and loaded, with his commission in his pocket, to be the better provided for the contest against the new Attorney General. On the 3rd of January the recommendation of the Board to Her Majesty was given. It was then the Southampton election. On the 4th Her Majesty approved of the appointment. On the 6th, before this transaction was quite completed, a new patent was made out for appointing new Lords of the Admiralty, whereupon the previous Board, which had been managing all this work, were very properly all bundled out of office. The House would immediately see that this transaction was one which required great consideration. This officer memorialised three different Boards of Admiralty, and his claim was refused by all of them; he memorialised a fourth Board, and was refused by that Board till certain transactions had taken place, in the course of which he (Sir G. Pechell) believed it could be proved Mr. Engledue greatly overstepped his duty. He alluded to that gentleman's interference at the Southampton election, which was highly improper and indecorous, as an officer holding Her Majesty's commission; and, if the case had been fully gone into before the Committee, he believed Mr. Engledue would not now be holding his present situation. From his own knowledge, a very different practice prevailed at the Board of Admiralty to that which had been pursued in this case. When the right hon. Member for Portsmouth (Sir F. Baring) was about to retire from office, the command of the fleet in the Mediterranean was about to be vacated. The right hon. Baronet might have appointed Admiral Dundas to that station, but he would not fill up such an important appointment when the Government was only holding office until their successors were appointed. He left the appointment of the officer to those to whom he would be responsible. The right hon. Baronet had always acted upon that plan. He (Sir G. Pechell) believed no such appointment ever had been made by a Government who were only holding office until their successors were appointed. The whole of this transaction had greatly grieved the officers of the naval service. They saw that these rewards were given for political services, for services upon the hustings, and not on the quarter deck. When the Duke of Northumberland took command at the Admiralty, he (Sir G. Pechell) gave him his support as a naval officer, considering that he would have maintained an independent position. He might have been as firm as a rock, and have held himself in an honourable and independent position. The naval service felt indignant at the manner in which this case had been handled, and were confident that no satisfactory issue would be arrived at unless these papers should be referred to the Dockyard Committee. He thought he had made out a case for inquiry, and he therefore begged to move, that the papers relating to the restoration of Mr. J. R. Engledue to the rank of lieutenant in the Navy be referred to the Dockyard Committee.

Captain SCOBELL said, he begged to second the Motion. He had read with great care the Parliamentary paper respecting Lieutenant Engledue, and it did appear to him that after that gentleman had been removed from the list for so many years, and had been refused to be replaced by three Boards of Admiralty, he ought not to have been restored. The honour and prosperity of the Navy were at stake in a question of this nature.

Mr. STAFFORD said, that this case naturally resolved itself into two parts; first, with regard to the naval, and, secondly, with regard to the political part of the question. As to the first point, he might observe that Lieutenant Engledue was not struck off the naval list for conduct unbecoming a gentleman, though, unquestionably, for an act of great insubordination and disobedience ten years ago. The difference between the circumstances attending his application in June, when it was refused, and in December, when it was granted, was contained in the last three lines of the last paragraph but one of his memorial of November 30, 1852, in which he stated that his position gave the means of greatly advancing the enlisting of seamen for the Navy, as it caused him to come in contact with hundreds of men. The House might or might not agree with the late Naval Board, but a great addition having been then, in December, ordered to be made to the Navy, and great difficulty being felt in procuring men, the Board did not feel that it would be right to reject the application of a person occupying such a position that he could connect the naval service with the mercantile marine. Although, therefore, they had rejected his application in June, they felt that it would not be compatible with their sense of duty to do so in December. With regard to the political aspect of the question, he would ask what sort of tactics it would have been to refuse Lieutenant Engledue on the point of a general election? It would have been perfectly competent to the Board of Admiralty either to have acceded to his application in June, or to have postponed their answer to it; but they did neither. In the face of a general election they refused it point blank. Then came the general election; and what was the conduct of this gentleman? There were then two Conservative candidates for Southampton, and two on the opposite side; and, if he was not misinformed, Lieutenant Engledue voted for one candidate on each side: therefore, as far as politics went, he seemed to have paired off. If he had given his vote to both the Conservative candidates, the political case might have been made out; but he believed he recorded his vote for the hon. Gentleman (Mr. Willcox) now Member for that borough. Certainly Lieutenant Engledue was so unfortunate as to vote against the Attorney General. No doubt he did make that tremendous mistake. He (Mr. Stafford) was not exactly prepared to defend him, because he was aware that an offence of so great an enormity was not capable of defence. The late Board of Admiralty did not, as he had already said, conceive themselves at liberty to reject Mr. Engledue's application at the time, and under the circumstances, that it was made. They were prepared to stand by and justify the decision to which they had come. The service was satisfied with it; and they believed that they had done their duty to their country in restoring this highly efficient officer. If they had done wrong, it was simply a question for the Executive Government. The present Board of Admiralty had the power to strike Lieutenant Engledue off the list to-morrow. They could appoint him to the smallest brig on the coast of Africa, and if he refused to serve they could dismiss him altogether. Whether the House would refer this memorial to the Committee on Dockyard Officers, he was not aware; but he believed that a great majority of those most competent to judge of the matter would agree that the late Board of Admiralty had only done right to Lieutenant Engledue and right to the service; and so far was there from being anything connected with politics in this case, that it was simply a question whether the Executive had wisely exercised the discretion that must be vested in them in employing this gentleman, whom they believed to be capable of serving the country at a time when it was at once a matter of importance and difficulty to obtain seamen for the Navy.

Mr. PHINN said, that on the face of the hon. Gentleman's statement it was clear that this appointment must be prejudicial to the honour and discipline of the Navy. As regarded the other part of the question, the hon. Gentleman said that it would have been very bad political tactics to have refused the application of Lieutenant Engledue in the face of a general election; but they all knew that the labourer was not worthy of his hire until he had earned it. And no doubt it was for his services then rendered that the public considered his restoration due. The hon. Gentleman (Mr. Stafford) said that Lieutenant Engledue had given an impartial vote—that he had voted for both sides. But the fact was that the vote that was not given to the Government candidate was given to the gentleman who had the control of the Peninsular and Oriental Company, in whose service he was; that was, he gave one vote for his master and another for his political friends. Now, every one knew that the Liberal candidate, against whom the exertions of the Conservative party were mainly directed, was his hon. and learned Friend the Attorney General, and he wished to know whether the hon. Gentleman opposite was not aware that the Directors of the Peninsular and Oriental Company were exceedingly discontented with the exertions of Lieutenant Engledue against the Attorney General. [Mr. Stafford: I never heard of it.] In that case the hon. Gentleman was the only person who knew anything about Southampton, or was there shortly before the election, as the hon. Gentleman was, who did not hear of it. The circumstances of this case were certainly so suspicious that it had better at once go to the Committee. It had been stated that the two naval Lords at the Admiralty Board had protested against Lieutenant Engledue's appointment, and the hon. Gentleman opposite had not referred to that point. It appear- to him of vital importance to the service to know whether those who had its honour and interest at heart, and who had felt that it should not be prostituted to political purposes, did not on this occasion dissent from their political colleagues at the Board, and protest against the interest of the Navy being rendered subordinate to those of political party.

MR. STAFFORD said, that he happened to be out of town when this took place, and if the hon. and learned Gentleman would refer to the papers he would find that they were signed by the other Secretary, Captain Hamilton. He did not say this to shrink from the responsibility of the appointment, because he was aware that while they were in office together, either Secretary was responsible for the acts of the other. He was not, however, aware that any Secretary to the Admiralty, or any official person, had the power to state the various opinions and debates which might have occurred at the Board of Admiralty, and, therefore, even if he had been aware of any division at the Board on the subject of Lieutenant Engledue's appointment, which he was not, because he was absent from town at the time, he should not have thought fitting for him in his place in Parliament to give the information asked for, and he should therefore have refused to do so. This act was done by the Board. Those gallant members of the Board had the power to protest against it, but they were bound by it if done, and it would be impossible to carry on the business of Government if inquiries such as this were to be made and answered by those who were the organs of the department in that House.

CAPTAIN DUNCOMBE said, that as a member of the late Board of Admiralty he wished to express his high sense of Lieutenant Engledue's services rendered both before and after his appointment. His conduct in dealing with difficulties, his tact and discretion in equipping vessels, showed how much he was entitled to any reward to which he could be thought entitled.

Motion *agreed to.*

The House adjourned at half-after One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 2, 1853.

MINUTES.] *Sat First in Parliament.*—The Lord Willoughby de Broke, after the Death of his Uncle.

PUBLIC BILLS.—1ª Aggravated Assaults.

Reported. — South Sea and other Annuities Commutation.

PUBLIC WORKS IN INDIA.

LORD WHARNCLIFFE *presented* a petition from the Master Cutler and Cutlers Company of Sheffield, praying that in any legislation for the future government of India provision may be made for its internal improvement, and the carrying on of public works in that country. The noble Lord said, he had thought himself justified in giving notice of his intention to present this petition, and of calling the attention of the House to its prayer, partly in consideration of the situation which the petitioners themselves occupied in the community, and partly on account of the enormous importance of the objects to which they desired to attract their Lordships' notice. The petitioners were a corporation, representing one of the most ancient and most successful branches of the manufactures of this country; the head only of that corporation had signed the petition. He believed he was right in stating that of all the countries in the world to which the cutlery of England was exported, our Indian territories were among the most important. They stood third in the order of those who took the greatest part of these exports; and the Corporation of Cutlers, therefore, naturally viewed with anxiety and interest any course which might be taken, or any measures that might be proposed, likely to affect the consuming powers of the native population, and thereby the trade between England and that country. But he believed he might assume that the prayer of the petition was shared in by all who were interested generally in the manufactures and commerce of the country. Its prayer was entirely in accordance with public opinion; for he had no doubt that when their Lordships were prayed by the petitioners to address their attention to the improvement of the internal condition of the people of India, they expressed no more than the general sense and feeling of the people of this country. With this object the petitioners submitted a variety of suggestions to their Lordships. First, they declared that it was an imperative duty on the part of the Government of India to promote the cultivation of the soil. Having this object in view, they recommended that there should be a more moderate and permanent system of land tax. It would be entering upon far too extensive a subject to discuss the different systems of land revenue in India; nor could he pretend to determine which system was most likely to tend to the prosperity and happiness of the people. But there could be no doubt that the condition of the inhabitants of that vast territory was greatly affected by the mode in which that impost was raised. There had been frequent controversies as to the extent to which it operated in obstructing the development of industry. He believed there had been a great waste of argument on this subject; because it must be apparent to any one who considered it that the pressure of such a tax, varying in different portions of the territory according to the quality, power, and resources of the soil, must depend upon the means taken to develop those resources. Supposing the amount of the land tax to be *2s.* or *3s.* per acre, it would press very differently in parts of the country where the value of the produce was only *6s.* or *7s.*, from others where that amounted to *20s.* or *25s.* The next point to which the petition directed attention, had reference to the financial proceedings of the Government. It was well known to their Lordships that one of the great difficulties of the Indian Government was, that they had to provide annually about 3,000,000*l.* to be remitted to this country. Several modes were resorted to in order to effect that object, and among others there was one which was called the hypothecation of goods in India. When his noble Friend (the Earl of Ellenborough) was at the head of the Government of India, about the year 1843, he took steps to put an end to this practice; he sent a despatch home, strongly recommending that it should be entirely discontinued. The recommendation of his noble Friend was not then adopted; but an order was issued in 1850 which entirely abolished the practice, and it was to be hoped it would not, under any circumstances, be revived. The system was originally adopted when the Company was a trading company; but the trade of India having grown with so much rapidity that our exports had increased 140 per cent since the last Act was passed, it was impossible to think that sufficient means could not be found, in the ordinary channels of commerce, for effecting the necessary remittances without resorting to so objectionable a plan. The next subject, and that which formed the body of the petition, was one to which he must call particular attention; because he profoundly felt that among all the subjects in which this country had a deep interest, as connected with the future government of India, there was none of more momentous importance than that of promoting the internal improvement of India. It was now nearly two years ago since he had taken an opportunity of calling attention to the subject; when he moved for certain papers, which were readily granted. Those papers certainly conveyed some interesting information, but information upon a very limited and partial scale, so that it was desirable the attention of the House should be turned to the subject. It might be answered that all these matters naturally came within the scope of the investigation now being pursued by their Lordships' Committee. He could not concur in the objection. No doubt their Lordships' Committee would thoroughly investigate the subject; but the evidence entombed in great blue books did not convey much idea of the different points under consideration to the public at large. At a moment like the present, therefore, when every part of the Government of India was to be brought under review, it was desirable to direct the action of public opinion upon the authorities on whom the Government of India rested, and, therefore, it could not be considered out of place to refer to them on this occasion. We were accustomed in this country to hear two very different representations of the state of our Indian territories. On the one hand there was the East India Company and the Government represented as doing a great deal, and in process of doing everything which should be done for the advancement of the interests of that great country; while it was maintained on the other hand that it was the scandal of the Indian Government that so little had been effected—that vast sums were spent every year, but not upon works of improvement—and that there remained a vast mass of operations which it was the duty of the Government to undertake. He believed, however, neither of these statements conveyed precisely the correct view. As regarded the Government, he had no wish or intention to bring any charge against them on this subject. He was inclined to believe that of late years they had been much more ready than they had been to engage in works of internal improvement; but up to ten years ago there could be no doubt there had been most miserable inefficiency respecting such works. In the last ten years he would not deny there had been more desire to improve, and larger sums appropriated to that purpose than before; but at the same time he could by no means admit that all had been done that should be done. The state of the case, then, was this—that in many parts of India there had been a most lamentable deficiency of internal improvements; but that lately the Government had shown themselves sensible of the necessity of promoting them. He would take a brief survey of the different provinces as regarded various internal improvements. One of the most ancient of our possessions was the Lower Province of Bengal. Two enormous streams watered this province, finding their way to the sea through innumerable channels; and the whole district was formed of ground affording the richest soil, and capable of the finest cultivation. But what was the condition of this district? Its population consisted of 40,000,000 of souls. In former times the works constructed on the different rivers, either for the purpose of keeping out the waters, or for admitting them into the land for the purpose of irrigation, were numerous. There were not less than 3,000 miles of such embankments or works which had been formed by the inhabitants of the country. Some years ago a commission was issued to examine the condition of these embankments, in order that the Government might be informed whether it was possible to renew or improve them. This commission was said to be rather singularly constituted, for it consisted of a fourth-rate engineer, a captain of Native Infantry, and a medical officer. These gentlemen examined various plans, and reported; and what did their Lordships think was the tenor of their report? Why, they reported that they found these works in a state of great inefficiency; but instead of pointing out the localities where they thought judicious improvements might be effected, their sole report was, that they found the embankments in so inefficient a state that the best thing would be to leave them in a state of nature. The words "state of nature" was their own expression. How did the province stand with respect to other works of internal communication? There were canals executed long since, but they were utterly inadequate for their object; they had been totally neglected, and they were choked up in such a manner that the traffic was unable to pass along them. And what was the state of the roads? There was the Grand Trunk road, intended to communicate between Calcutta and Delhi, and which had afterwards been extended far beyond. It was 1,450 miles long, and the expenditure of the Government upon it had been 1,500,000*l.* It was a great military line of communication, and it certainly looked like a great work; but when the House came to see what it really was, he was afraid their notions in respect to its utility would be somewhat lowered. It was called a "metal road," and no doubt it was in some parts a very fair road; but it had this small defect, that it passed several most difficult streams, and to pass them without bridges was a disagreeable if not a dangerous operation. Five years ago there were two bridges within thirty-five miles of Calcutta; they were washed away, and it was stated that notwithstanding the most urgent remonstrances not even an attempt had been made to restore these bridges. But what occurred on this road when it was desirable to make use of it? It was stated in 1848, in the Committee on the Growth of Cotton in India, by a gentleman of great experience and knowledge, that on one occasion, during the war on the Sutlej, the Government wished to send 100 officers from Calcutta to the scene of operations. It was calculated that in order to make the journey within the time desired, it could not be made otherwise than by dâk, and that relays of 7,200 bearers would be necessary. The speed was four miles an hour. The result was, that notwithstanding these 1,400 miles of "metal" road, only thirty of the officers arrived at the seat of war in time to take part in the operation. This was a circumstance which would illustrate the actual utility of the road. He would now proceed to consider the state of the north-western provinces. Here, he was bound to say the Government had shown more activity in the improvement of the country and the introduction of great works than in any other part of India. At Delhi there were two great canals for irrigation, one called West Jumna, and the other East Jumna, on which large sums had been expended, and he believed they were now in efficient operation. There were also some smaller works. They consisted of canals extending for about 900 miles along the district between the Ganges and the Jumna. The most ample remuneration had been derived from works of that kind, much more than sufficient to cover the outlay. In 1851 there were no less than nine works of that description enumerated in the despatches received by the Government. It was exceedingly satisfactory to those who had taken an interest in promoting these works, that they had been so successful. If they looked to the Bombay Presidency, they would there find a state of things similar to that which they had before their eyes in the Bengal provinces. The state of the roads and communications was disgraceful: in many parts of the Presidency it was impossible for wheeled carriages to move about, and in the rainy season the roads were impassable, so that in seasons of famine the inhabitants of one place had perished, while abundance of corn existed at others within a very short distance. In the year 1831, when corn was selling at Poonah for 64*s.* the bushel, it was found impossible to bring to the town a supply of grain from another part of the province, where the selling price was 6*s.* per bushel. Another remarkable instance occurred in 1837, when the disastrous famine occurred at Agra; and it was then found impossible to obtain a supply of corn from a neighbouring district, where it was sold at very low prices. So bad, indeed, were many of the roads, that cattle died upon them in large numbers from excessive fatigue. The distance over which the corn required to be carried was not more than 400 miles, yet the difference of price in the two places, amounting to 9*d.* or 10*d.* per mile of distance, was not sufficient to overcome the expense and trouble of its carriage. It was needless for him to point out to their Lordships the great disadvantages under which a country must be placed which was unable to provide itself with necessary works of this kind. In addition to the great want of roads, there was not so extensive a supply of works of irrigation as was needed in the Presidency. It was true that the Government had to a small extent endeavoured to supply the deficiency of internal communication and of irrigation by means of occasional grants of money and guarantees; and for this encouragement given to necessary works of this kind, some degree of credit was of course due to the Government. The Government had recently consented to give their guarantee to the introduction of a railway, which was likely to open up new districts of country, and, by this time, he hoped a small section of that undertaking was in operation. Credit was due to the Government for what they had done in this respect; but it was obvious that, so far as railways were concerned, the success and utility of works of that kind would be greatly limited if they were not combined, sooner or later, with the construction of ordinary roads. If railways were constructed through a province for the purpose of obtaining the produce of the district through which they passed, it was absolutely necessary that there should be ordinary roads to connect the producing districts with the main line of communication. His own expectation, however, was, that so soon as works of this kind were constructed, and had commenced to develop the traffic and increase the production of a district, the minor communications would speedily receive that share of attention which they would deserve. The completion of railways would create not merely the means of transit, but would extend such an amount of improvements upon either side of them as could not fail to be of great advantage to the country. The Presidency of Madras was in many respects a very different territory to the others to which he had referred, and in no province was plentiful irrigation of so great importance. Throughout the Presidency there was a countless multitude of native works of former times still existing, formed for the purpose of providing that due supply of irrigation which was indispensable to the cultivation of the country. Many of these works were rapidly sinking into decay, and others were now in a state of perfect ruin; large numbers of them, indeed, had probably never yet been seen by Europeans. Some idea of the extent of these native tanks or reservoirs might be judged of by the dimensions of one of the largest now existing in the Presidency; when filled to the level this tank was twenty-five miles in circumference, its average depth of water was six feet, with the waste sluices open, and its surface contained about 35,000,000 square yards, or nearly twelve square miles. The noble Lord then proceeded to quote at considerable length the petition of the inhabitants at Madras, recently presented to the House, for the purpose of showing the disgraceful condition of the roads, and also referred to a number of official returns showing the increase in the traffic, and in the amount of produce, which had followed the improvement of the means of communication in various parts of the Presidency. The noble Lord then stated that in the petition which he was about to present, the petitioners prayed their Lordships to adopt some measures which would secure to the people of India a more speedy and certain administration of justice, and which would compel an annual detailed report on the whole affairs of India to be laid before the Parliament of this country. With respect to the assistance which the Government might give to the promotion of internal improvements in India, he was anxious to express his conviction that, if the East India Company or the Government of India would devote its energies and attention to the subject, a much larger amount of assistance might be commanded from the inhabitants of India than from capitalists in this country. Many large works had been successfully carried out by private enterprise in each of the three Presidencies, among which he might instance a large suspension bridge which had been recently completed in the Bombay territory. The noble Lord concluded by expressing his conviction that there was no one subject of greater importance now before Parliament than the expediency, and indeed the absolute necessity, of promoting public works, with the view to promote the internal improvement of India.

The EARL of ELLENBOROUGH said, it was very satisfactory to him to find that an interest in the affairs of India should now extend through the country; and he trusted the influence of the petitioners in urging the consideration of the just claims of India on Her Majesty's Government might be attended with beneficial results. The assistance so influential a body as the petitioners was able to render, would be received by all those who took an interest in the affairs of India with the greatest satisfaction and gratitude. He could well understand that the petitioners felt great satisfaction at the total abolition of that pernicious custom of advancing money in India on the hypothecation of goods, interfering as that custom did greatly with the transactions of the honest trader. He (the Earl of Ellenborough), when in India, strongly represented to the Home Government the injury thereby inflicted upon commerce; and he was so confident that his arguments would be convincing to the home authorities, that he issued a notice of the approaching discontinuance of the practice. However, this opinion of the Government in India was not very well received by the home authorities; and he felt assured that there was no one proceeding of his Government which gave more thorough dissatisfaction to the Court of Directors than that to which he had referred. But the apprehension of the Court of Directors that they would not receive their remittances if the practice in question were abolished, was entirely without foundation. He believed, on the contrary, that they would receive all their monies without affecting the freedom of honest commerce. His noble Friend (Lord Wharncliffe) had adverted strongly to the state of the roads in India. That subject happened to be brought under his (the Earl of Ellenborough's) notice on the very first day of his arrival in India. On his arrival at Tanjore there was no steamer to carry him up to Calcutta, and he proposed proceeding by land, but he was told there was no road; that if there had been, there were no means of conveyance to be had in the country, and that he must walk the whole way. At a subsequent period—six or eight weeks afterwards—it was necessary for him to proceed up the country, and it took nine days to lay the dâk for his journey, though he travelled with only three palanquins, and he believed with less baggage than would have been taken by a cadet. As he advanced further up the country he observed that the roads were as good in some places as in England, but in others almost impassable. He communicated with Mr. Gray, the postmaster at Calcutta, an able and intelligent gentleman, on the subject, and eventually great improvements were made in the roads so far as the conveyance of the mails was concerned. Before he (the Earl of Ellenborough) left the country, indeed, it was possible to send two or three officers by any of the mail carts, by which means they were enabled to travel as rapidly as the letters; and arrangements were then in progress for increasing the facilities for travelling by means of bullocks and horses from Calcutta up to the very top of the Himalaya. He (the Earl of Ellenborough) had his palanquin placed on wheels; and instead of being carried he was pushed, and that at the rate of seven miles an hour, instead of four miles an hour as before he had recourse to that expedient. When his noble Friend talked of making roads which would be of the greatest benefit to the people of India, he would beg to call his attention to a diplomatic arrangement which was necessary to facilitate the transfer of goods in that country. In almost all the small native States, duties were levied which very greatly impeded the free transport of goods. It had been his (the Earl of Ellenborough's) intention to establish with the different princes, from one end of India to the other, something in the nature of a Zollverein, so as to make the whole trade free from the Himalaya to Cape Comorin. By arrangements he had made, the duty on the transport of goods had been very materially reduced, and a hochesy between Kurrachee and Delhi would pay no more than a cart between

London and Windsor. In India he not only found there were no roads, but there were no bridges; and the inconvenience from the want of bridges could not be imagined, because, during the rains almost all the great lines of communication were broken and intercepted. What his noble Friend had stated was perfectly true, that there was no country in the world in which the Government had so much encouragement in great works of internal improvement, for those works could be executed at comparatively small cost. He did not refer merely to canals and works of that description, but to those of art, ornament, and taste, for the execution of which there were materials on a scale of the greatest magnificence. When he arrived at Delhi he found a magnificent canal running like a mill stream through that city; but he was told that during three or four weeks of the year, during the usual season of drought, that canal was dry, and that the whole population of Delhi were then obliged to resort to the Jumna, at some little distance, for a supply of drinking water. He directed the excavation of a tank, which was built with steps of sandstone leading down to the bottom of it, so that all persons desiring of getting a supply might at all times reach the level of the water. It was a very handsome edifice, being built of the same materials as the adjacent palace. It contained 800,000 gallons of water, sufficient for the whole population of Delhi for a period of three weeks, and the cost of its erection did not exceed 2,500*l.* When that was known, be thought their Lordships would be surprised that more had not been done in that way. When he was Chairman of the Board of Control, he remembered being told by a Director that if we had at that time to relinquish our territory in India, that such was the character of our buildings there, erected as they had been merely for temporary use and convenience and not for futurity, we should hardly have left behind us a trace of having been in the occupation of the country. All agreed that it was absolutely necessary that works of the kind described by his noble Friend should be constructed in India; but one great difficulty in the way of that desirable object would occur to his noble Friend—namely, the difficulty of finding the requisite funds. He (the Earl of Ellenborough) must say, looking at the war in which the Government of India had most unfortunately engaged, the result of which no man could foretell, and looking also at the melancholy condition of the great Empire of China, in which the state of convulsion and civil war might impair one very great source of our Indian revenue, he regarded with some degree of apprehension, on the part of the Government of India, the absence of sufficient funds to construct public works in that country. He entertained some degree of hope, however, that the expression of the desires of the petitioners acting upon Parliament and the Government might lead to some beneficial result. Let their Lordships see whether they could not, by pledging the credit of our Government here to the Government of India, for the purpose of reducing the interest on those great incumbrances, the interest of which was paid in England, at once create new funds, not inconsiderable in amount, which he should desire to see absolutely devoted by Parliament to the sole purpose of internal improvements in India, not in substitution of the fund required on the part of the Government of India, but in addition to it. An estimate of the sum thus appropriated ought to be laid before Parliament every year, together with an account of the expenditure incurred by the several Governments of India for the same purpose. He could not pretend to say what might be the nature of the new measure contemplated for the Government of India, but he could imagine that that measure, whatever it might be, would put an end altogether to the present system of patronage; that the present value which now attached to the patronage of India would no longer exist, which value had induced so many persons to become possessors of India Stock for the purpose of becoming candidates for a seat in the Indian Direction. Something was required on behalf of India, that the persons sent out to India to fill public offices should have the requisite qualifications. He felt certain that such a state of things as had heretofore existed would not be permitted to continue, and that no man who purchased 1,000*l.* worth of East India Stock would hereafter be able to barter his vote for the patronage he received, or expected to receive, from the director for whom he voted. Such a pernicious system might and would be put an end to. But assuming East India Stock would continue to have that value given to it in consequence of the facilities for bartering a vote for patronage, let their Lordships observe with what facilities they might commute the present stock for stock of a different character under the faith of the Government of this country, and bearing a lower rate of interest. The present price of East India Stock was 262*l.* He believed it bore a higher price than it would bear in the market if there were no such advantages as he had named attached to it. He was willing, however, to give the present holders of East India Stock the full advantage of that price. He should propose that to every proprietor of East India Stock there should be offered on the part of the Government for every 100*l.* of that stock, which was now of the value of 262*l.*, 266*l.* 13*s.*4*d.* in the 3 per cents. That would afford him, at the present price, a premium of 4*l.* 13*s.* 4*d.* on the conversion of every 100*l.* of the present stock of the East India Company into the 3 per cents. He could hardly think, that, apart from all considerations of India patronage, the persons holding that stock would not willingly avail themselves of such an offer. Assuming there was such a willingness on the part of the proprietors of East India Stock, the stock thus created would amount to 16,000,000*l.*, the interest of which would be 480,000*l.* The present interest being 630,000*l.*, the first gain on that part of the transaction would be 150,000*l.* But this would not be all. There were the India bonds, amounting to 3,900,000*l.*, which always bore an interest higher by 1*l.* per cent than that on Exchequer bills. He proposed that those bonds should be advertised for immediate payment, and that the Government should provide Exchequer bills in the usual way, and invite the public to purchase them. The difference in the interest of 1*l.* per cent amounted to 40,000*l.*, and by that second transaction a fund of 190,000*l.* a year would be created. But that was not all. If the proprietors of the stock in question could be induced to make that conversion, the Government would have at their disposal the whole of what was called the Security Fund, which was provided for the ultimate discharging of the debt. That Security Fund amounted last year to 3,977,000*l.*, and it amounted now to 4,118,000*l.* The interest on that stock was 123,500*l.* Taking into account the sum that would arise from that source, the total amount that might be raised simply by using the credit of this country would not be less than 300,000*l.* a year. He thought that sum should be placed at the disposal of the several Presidencies of India, in proportion to the gross revenue of each. The gross revenues of the three

Presidencies were in these proportions:—Agra, 6; Bengal, 10; Madras, 5; Bombay, 4. To Agra, therefore, he would allot 72,000*l.*; to Bengal, 120,000*l.*; to Madras, 60,000*l.*; and to Bombay, 48,000*l.*; making, in the whole, 300,000*l.* Thus, before the termination of twenty years, they would have 6,000,000*l.*, which might be devoted solely and exclusively to the construction of important public works in India. If that were done, Parliament would establish a lasting claim on the affections of the people of India. It would be most desirable that the money should be expended upon works of the most permanent character, and calculated to last as long as any they now saw in India. This country had done a great deal for its military glory and its civil institutions; but he thought it was high time that it should do something for our civil reputation. The great nations of antiquity had left monuments of their taste, genius, and magnificence, in works of art, intelligence, and grandeur, still to be found in those countries. We alone (continued the noble Earl), if by circumstances we were compelled to leave India to-morrow, could hardly be traced as having existed in it by any work left for the benefit of India. We have worked for ourselves, and they worked not for themselves alone, but for posterity. I confess, that, as all men, I believe, have a desire to leave something behind them which may remain when their existence is terminated, I desire for my country that it should leave something in India which may record our existence when our connexion with that country has ceased; and I confess I do look with pain to the reflection that at the present moment the impartial judgment of history upon us would be, that we, the possessors of one of the most magnificent empires in the world—the successors of Akbar and Aurungzebe—although we may have distinguished ourselves as among the noblest soldiers, have condemned our memories as among the very meanest of administrators.

Earl GRANVILLE believed that great good resulted from bringing these subjects before their Lordships. Such discussions not only kept up the attention of the public to Indian affairs, but also called the attention of the noble Lords, who were Members of the Select Committee now sitting, to points which must be considered by that Committee. He thought nothing could be fairer than the manner in which the noble Lord had alluded to the present position of matters in India, and, like him, he deplored the apathy which former Governments had displayed upon this subject. The noble Lord had alluded to the great improvements which had taken place within the last ten years with regard to internal public works in India, and had stated his belief that there existed, on the part of the present Government, a disposition to remedy the evils complained of. Those who expressed any views at all with regard to India might be divided into pessimists and optimists; and, to show how very difficult it was, even for the most impartial person, to describe correctly the state of that country, he might mention that what the noble Lord had stated with regard to the great road from Calcutta to Delhi was applicable to its state seven or eight years ago, but was not applicable to it at the present time. One great bridge upon that road certainly remained unfinished; but when he informed their Lordships that three miles of bridge, involving an outlay of 1,000,000*l.*, were required to continue that communication; and when they considered the bridge near their Lordships' House, which had not been yet touched, although standing so much in need of attention, he thought it would be considered that there was some reason for delay. He would not follow the noble Earl (the Earl of Ellenborough) in his remarks upon the renewal of the charter. The present Government were very anxious to do that which would best conduce to the administration of affairs in India; and they felt, with the noble Lord on the cross benches (Lord Wharncliffe), that the very circumstance of their being obliged to rule by absolute government in India conferred greater responsibility on the Ministry to carry out to the fullest extent the material happiness of the people of that country; and he hoped that as the natives had shown a desire for improvement, the Government would do everything in their power to encourage and avail themselves of that feeling.

The EARL of ELLENBOROUGH hoped that the bridge of which the noble Earl who had just sat down had spoken, would never be attempted. The river was three miles wide; and if piers would be necessary, as he believed they would, the works must be carried over five miles. But there was no solid foundation until you had penetrated through 40 feet of sand, and the piles must be 60 feet high before they came to the bottom of the water, so that altogether they would have to be not less than 100 feet high. There was another bridge to be made of the same description, and a third, where the river was three-quarters of a mile wide, and the water 60 feet deep throughout the rains. Now, an engineer might subdue the land, but the water subdued the engineer; and it was physically impossible to attempt to carry out these bridges. In the north of India some of the bridges were three-quarters of a mile from the river; and on one occasion, when he was going to cross a bridge, he was told that the river was on the other side of it; and had he gone across the bridge, he would have found that it ended in the middle of the river. This proceeded from the fact that the least interference with the current sometimes sufficed to turn the course of a river, and, so full were they of the finest possible sand, that he was told a wattled fence would in some cases divert their course. Certainly, the Mahommedans had built bridges, and very fine ones, but then they were a long way off from the rivers.

The EARL of ALBEMARLE said, he felt it necessary to give notice of his intention to move on an early day for returns upon a matter which he thought required some elucidation. He was very much gratified to hear his noble Friend the Lord President encourage discussion upon this Indian question, and he did believe that the more it was sifted the more the intention—the gracious intention—of the last Act of 1834, which professed to be for the improvement and welfare of India, would be carried out. As yet, however, he did not believe that either the welfare of the country or the happiness of the people had been attained by the Act of 1834; and he was afraid that the noble Earl (Earl Granville) would class him among the pessimists as regarded India. He was very glad to find that, at the end of some centuries, they were all agreed upon the necessity of making roads and bridges in India. These were the veins and arteries of a country, and as indispensable to a State as those parts of the system were to the human frame. It waid by Seneca, "Wherever the Romans conquered, it had been said, the country became inhabited; and wherever a country became inhabited under their rule, they connected its most distant capitals by roads and bridges." He knew not whether this quotation had suggested to Gibbon the statement he had made—which was, that a Roman and a pig were the only two animals which could live in any country in the world. As, however, an Englishman neither partook of the character of the Roman or the swinish animal, he was the more bound to make his absenteeism less felt in the country which he conquered. With regard to one of the points mentioned in the petition which had been presented to their Lordships that evening—namely, that 10 per cent should be levied for the purposes of public works in India, he was not quite prepared to go that length. The revenue of the country was 20,000,000*l.*, upon which amount 10 per cent would be 2,000,000*l.*, and to take that sum out of a revenue, the normal state of which was a heavy deficit, would be no easy matter; and it was also necessary to recollect that the present condition of the public works in India was only one of the grievances which the natives of India laid to the charge of their rulers, and their Lordships were now in a condition to inquire a little into this circumstance. He held in his hand statistical papers relating to India, printed for the Court of Directors, and it was to these documents, however late in the evening, that he must call their Lordships' attention for a few moments. It appeared from a statement therein that the amount expended on public works in India, exclusive of civil and military buildings, in the year 1849-50, was 310,181*l.* There was, however, a little mystification here, as it appeared to him. In the statement to which he had referred, an average of 15 years' expenditure was taken; but this included an estimate of intended expenditure for 1851-52; and what was rather remarkable was, that that estimate was exactly double what the actual expenditure was shown to have been by the last returns for 1849, and was sometimes three times as much as had been expended in any other year out of the 15. Taking an average of 13 years of actual expenditure, he found this was 266,754*l.*, being less than one-fifth part of the sum expended on the turnpike roads of England and Wales, which was 1,551,386*l.* The expenditure to which he had alluded comprised roads, bridges, embankments, canals, tanks, and wells, and was for an area computed at above 500,000 square miles. The noble Lord (Lord Wharncliffe) had called their Lordships' attention to the trunk road from Calcutta to Delhi, and thence to Lahore and Peshawur. The noble Earl (Earl Granville) seemed to think that this road was in a very good condition, but it appeared that it only is to be; and, indeed, everything from these returns appeared to be in the *paulo post futurum* tense—nothing was finished, and all the works were to be done. In the words of the poet, it might, in fact, be said of India, that it

> "——— Never is, but always to be blessed."

This had been the case at the time of granting every new charter, but the promises held out had never been realised. The trunk road in question was 1,423 miles in length, but only 965 miles had been completed, leaving 458, or one third of the whole work, not yet finished; and, as far as the estimate went, that part had not even been begun. The statement, therefore, about this great and important road, upon which so much stress had been laid, was another mystification. The Bombay and Agra road was stated to be 734 miles in length; but it was not stated whether or not it was finished. The cost of constructing the Calcutta road to Delhi was nearly 1,000*l.* a mile, exclusive of the expense of convict labour, and the estimate for maintaining it in repair was 35*l.* a mile, or for the whole distance about 50,000*l.* per annum. The cost of constructing the Bombay and Agra road was 330*l.* a mile, and the cost of repair was calculated at 7*l.*, so that the expense of making it was but one-third of that of the Calcutta and Delhi road, and the cost of maintaining it only one-fifth. The Calcutta and Bombay mail-road was 1,170 miles in length, of which 168 miles had been previously constructed, and how much completed was not stated. In 1845 the Court were said to have directed that the expenditure on this line should be restricted to the formation of a road adapted to the transit of the mails. Their Lordships would perhaps associate the idea of mails with macadamized roads, a mail-coach, a smart coachman, and a guard behind with a blunderbuss to fire at the Thugs and robbers. But the fact was, that a conveyor of mails in India was a pedestrian very lightly clad, carrying a pair of baskets balanced on his shoulders by a bamboo, and a mail road was but another word for a footpath. The estimated expense of this road was 500*l.* a mile, which would entail an expenditure of about 500,000*l.* Then there was given a summary of these roads, from which it appeared that their length would be 3,159 miles, the cost of construction 2,166,676*l.*, and the expense of annual repairs, 90,000*l.* All this was to be done; but, after all, what did it amount to? If completed,

The Earl of Albemarle

these roads would be only one-seventh part of the turnpike roads and paved streets of England and Wales, which were reckoned at 20,000 miles, and that in a country about one-seventh the area of India. Of all the cross roads in India the return gave only a poor 300 miles. With regard to these roads, separate provision had been made for their improvement, and funds had been specially set apart for the purpose, consisting of, first, the net profits arising from the tolls on public ferries (which was a tax on trade and travellers, from whom the sum taken ought not to exceed the amount required for the support of the ferries); and, secondly, in the north western provinces, of the 1 per cent paid by the landholders on the amount of the Government revenue, which was neither more nor less than an extra land tax. No mention was made of trunk roads or cross roads within the Madras Presidency, with its area of 130,000 square miles, a computed population of 20,000,000, and paying a gross revenue of 5,000,000*l.* One of the returns of which he meant to give notice would be one showing the number of miles of each of the trunk roads of India fit for the transport of goods by wheel carriage, and in actual use for this purpose, to the latest period for which the same can be supplied; a return showing the number of miles of cross roads within the several territories of the north-western provinces, Madras and Bombay, Bengal excluded, together with the sums disbursed from the public revenue for their repair and maintenance for the last year for which the same can be supplied; a return showing the number of miles of public roads within each of the British settlements of Prince of Wales' Island, Singapore, and Malacca, together with the cost of making the same, and the annual expenses of maintaining them, and stating whether such is disbursed from public funds or municipal rates; a return showing the gross amount of the land tax in all the public lands now watered by irrigation from the several branches of the Jumna Canal for the year (stating the same) immediately preceding such irrigation, and for the last year for which the same can be supplied; a return showing the gross amount of the land tax in all the public lands now watered by the Ganges Canal and its branches for the year (stating the same) immediately preceding such irrigation, and for the last year for which the same can be supplied; a return showing the number of tanks, or reservoirs, originally constructed by the Government of India within the territory of Madras, in each year since the year 1834, together with the cost of the same; a return showing respectively the number of canals, wells, and reservoirs constructed by the Government of India, with the cost of the same, within the territory of Bombay, since the year 1834, together with the cost of the same. As far as this return was concerned, there was not one navigable canal in India—the canals which existed being for the purposes of irrigation only. There were some extensive systems of canal irrigation, but no particulars were given, and it did not really appear that the British Government ever constructed one in that part of their dominions. The whole sum laid out in a period of ten years for the three rivers, the Cavery, Godavery, and Kistna, was 191,120*l.*, or little more than 19,000*l.* a year; of this sum, 50,000*l.* were assigned to the repairs of the Annicat, the celebrated dam of the Cavery—a huge work of ancient Hindoo Sovereigns, on which wholly depended the fertility of the kingdom of Tanjore, the most fertile part of all India next to Lower Bengal. Of the Bombay Presidency, with its 70,000 square miles, and 10,000,000 of people, no notice whatever was taken, in so far as canals were concerned, and it might therefore be presumed that in reality there were none, although within it were two of the great rivers of India, the Taptee and the Nerbudda. In Lower Bengal the sum laid out for embankments in the year 1849–50, was 15,000*l.*, and in the north-west provinces it was only 386*l.* In one year it had been 12,000*l.*, but in the years 1843 and 1847 it had been absolutely *nil.* To show the necessity of these works he would quote Mr. Burke, who said—

> "The Carnatic is not by the bounty of nature a fertile soil. It is refreshed by few or no living brooks or running streams, and it has rain only at a season; but its product of rice exacts the use of water subject to perpetual command. This is the national bank of the Carnatic, on which it must have a perpetual credit, or it perishes irretrievably. For that reason, in the happier times of India, a number, almost incredible, of reservoirs have been made in chosen places throughout the whole country; they are formed for the greater part of mounds of earth and stones, with sluices of solid masonry; the whole constructed with admirable skill and labour, and maintained at a mighty charge. In the territory contained in Mr. Barnard's map of the Jaghire map alone, I have been at the trouble of reckoning the reservoirs, and they amount to upwards of 1,100, from the extent of two or three acres to five miles in circuit. From these reservoirs currents are occa-

sionally drawn over the fields, and these water-courses again call for a considerable expense to keep them properly scoured and duly levelled. Taking the district in that map as a measure, there cannot be in the Carnatic and Tanjore fewer than 10,000 of these reservoirs of the larger and middling dimensions, to say nothing of those for domestic services, and the uses of religious purification."

The noble Earl concluded by giving notice of his intention to move for the returns to which he had alluded.

Earl GRANVILLE assured the noble Earl, that if he imagined he (Earl Granville) was one of those who thought that everything was perfect in regard to the government of India, and who did not consider that immediate and great changes were necessary, he was very greatly mistaken.

Petition *referred* to Select Committee on the Government of Indian Territories.

THE LUNACY BILLS.

The House went into Committee on Lunatics Care and Treatment Bill, Lunatic Asylums Bill, and Lunacy Regulation Bill.

The **LORD CHANCELLOR** considered that the measures would be productive of service, and that praise was due to the noble and learned Lord (Lord St. Leonards), by whom they were introduced.

Lord CAMPBELL would take the opportunity of offering his tribute of praise to the noble and learned Lord opposite for the great pains he had bestowed on the subject, and of expressing his high approbation of the measures. There was a single point to which he desired to call attention, and it had reference to cases where there was an inquisition, on which a jury came to the decision that the allegation of lunacy was established. It had been hitherto strictly determined according to law, that the lunatic should have a right to traverse the inquisition; but he was anxious that the right should to some extent be qualified; because he apprehended that when a person had been found lunatic, if there was the smallest ground for testing the propriety of the verdict, there would be a traverse of the inquisition, although the finding was really satisfactory, and deprived the lunatic of the power of squandering his property, and when it was for the advantage of the individual himself that the verdict should be maintained. He could imagine a case where bad advisers, for the sake of costs, might urge a party to traverse the inquisition; and there were cases, it should be recollected, where one of the symptoms of the disease was, that the person did not think he was insane. It would be desirable, therefore, to control the exercise of this power, and he proposed to add the qualification that the traverse should always be made with the sanction of the Lord Chancellor.

Lord ST. LEONARDS said, that in one of those Bills a power was given to the Lord Chancellor to make an order to meet the views of both sides, where it could be done properly without the expense of a traverse, and he trusted that would meet the views of his noble and learned Friend; but to say that no one should have the power to traverse without the leave of the Chancellor, would be going beyond what the law had hitherto allowed.

Lord CAMPBELL thought, that after a jury had found a party lunatic, the finding should not be traversed unnecessarily.

The **LORD CHANCELLOR** was of opinion, that the person claiming the right must be in such a state of mind as to satisfy the Chancellor that he had a wish on the subject.

Amendments made: the Report thereof to be received *To-morrow.*

CAMBRIDGE BOROUGH ELECTION.

The **Earl of ABERDEEN** moved, to fill up the blank in the Address of the Commons to Her Majesty, with ("Lords Spiritual and Temporal, and")

On Question, *agreed to.*

Lord CAMPBELL said, he thought there could be no difficulty in agreeing to the Motion, because the report, unlike that of Clitheroe, followed the very words of the Act of Parliament, and the evidence fully justified the report that had been made. Considering the tremendous powers that were to be vested in the Commissioners, he trusted that due care would be observed in their appointment.

Address *agreed to;* and Message sent to the Commons.

SOUTH SEA AND OTHER ANNUITIES COMMUTATION BILL.

Earl GRANVILLE, on moving that the House go into Committee, proposed, at the suggestion of certain noble Lords, who were anxious to make some observations on the Bill, that the discussion should be postponed until the third reading.

Lord MONTEAGLE would not ask his noble Friend, at that hour of the evening, to enter into an explanation of the Bill;

but it was desirable that such explanation should be given at a future stage.

LORD ST. LEONARDS said, he wished to call the attention of their Lordships to the manner in which the interests of the suitors in the Court of Chancery were affected by this Bill. In all previous cases of commutation there had only been the single alternative offered to holders of stock either to accept the new stook or to be paid off; but in the present case the holders of the stock to be converted had no fewer than three alternatives—they might either take 3½ per cents, with a reduction of their capital, 2½ per cents, with an increase of their capital, or Exchequer bonds. Now he thought that the Accountant General could not be allowed to choose according to his own will, for the suitors holding stock, which of these alternatives they should accept; and that a good deal of machinery would therefore require to be invented by his noble and learned Friend on the woolsack in order to meet this case, and to give the suitors those rights which he (Lord St. Leonards) thought they were entitled to: for he thought the suitors in the Court of Chancery should have precisely the same rights with respect to the conversion of their stock as any other holders. Take, for instance, the case of trust property: a man's trustees might have thrown his property into the Court of Chancery without his leave and against his wish, and he thought it would be clearly unjust if he were, by such a step, deprived of those rights which he would have enjoyed had his property remained out of court. As he understood the Bill, however, it merely gave the Accountant General the power to assent to the conversion on behalf of suitors in the Court of Chancery holding New and Old South Sea Annuities and Bank Annuities, but did not extend to suitors holding Consols, or 3¼ per cents. Now, it would be the most unjust thing in the world if this latter class were purposely left out. Every suitor in the Court of Chancery had just the same rights of property in his funds, and just the same right to any advantages which might be derived from their conversion, as any other person who held stock; and it would be manifestly unjust to deprive him of any advantages which he might otherwise have derived, merely because his property was in the custody of the Court. By such a measure the 17,000 suitors in whose names so large an amount of money stood in the Court of Chancery would be placed at a very great and unfair advantage. It devolved upon his noble and learned Friend on the woolsack to protect them by the adoption of machinery, or by the introduction into this Bill of provisions calculated to protect them, and to secure them their just right, and this, he felt sure, was a duty which would not be neglected.

The LORD CHANCELLOR said, that he was perfectly aware that this Bill would impose upon him a very difficult duty in respect to making proper orders in reference to the funds of suitors in the Court of Chancery which might be effected by this Bill. These funds were obviously divisible into two classes. With reference to the South Sea Annuities, and several other stocks that stood in the same category, it was expressly provided by this Bill that the Accountant General might, in lieu of them, accept either of the two new classes of stock created by this measure, or the Exchequer bonds. Nor did he (the Lord Chancellor) see that such funds would be in any different predicament from those invested in the names of trustees, whom a clause in this Bill expressly empowered to assent to any conversion which they might deem best. As to Consols and the 3¼ per cents, the case was different. Nor did he mean to deny that this part of the subject was not attended with considerable difficulty. Under former Commutation Acts, the holders of stock had merely the alternative of being paid off, or of taking the stock offered them in exchange for that which they originally held; but in the present case they had, besides, a third choice—they might say that they would take neither the one nor the other, and that they preferred remaining in *statu quo.* There would, therefore, he thought, be no injustice in telling suitors who held these classes of stock, that they were not in a position to claim something different from what they held at present. This Bill, instead of giving to holders of these stocks an unlimited option with respect to their conversion, merely gave them a right to claim something else to a limited extent; and the position of holders of stock whose property was in the Court of Chancery would not, therefore, be different from other holders of stock who had not accepted, or been able to obtain, the advantages of the terms of conversion offered in the Bill.

Lord ST. LEONARDS said, that he was extremely sorry to have heard the statement of his noble and learned Friend. As far as regarded the holders of South Sea and the other annuities of that description, his noble and learned Friend's explanation was satisfactory; but he could not say the same with respect to what he had said of the case of the suitors who held Consols and Reduced 3¼ per cents. His noble and learned Friend said that such persons would be left by this Bill precisely as it found them, and they would be in just the same position as parties who had not chosen to accept any of the alternatives offered by the Bill; but he forgot that justice required that suitors of the Court of Chancery should have the power to choose amongst the alternatives offered by the Bill, like other holders of stock, and that it was a manifest injustice to deprive them of this right.

Earl GRANVILLE said, that he should be very glad to hear any suggestions of the noble and learned Lord opposite (Lord St. Leonards) on this subject. With respect to the South Sea Annuities and other minor stocks, the conversion contemplated by this Bill was compulsory, and as to these he was gratified to find that the noble and learned Lord considered the explanation of the Lord Chancellor satisfactory. He could not deny that it would be unjust to exclude permanently from the advantages of the option given by the Bill suitors in the Court of Chancery who held Consols or Reduced 3¼ per cents. It must, however, be remembered that this part of the measure was merely of an experimental character—intended, in fact, to discover how the wind blew upon the Stock Exchange. When it was recollected that the power of converting these classes of stock was limited to thirty millions, he thought this very much diminished the force of the objection taken by the noble and learned Lord; and, under these circumstances, he thought that the Bill would be allowed to pass through its present stage.

Lord REDESDALE thought it would be a great convenience if the holders of stock had the power of converting it into terminable annuities.

House in Committee; Bill *reported,* without amendment; and to be read 3ª To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 2, 1853.

Minutes.] Public Bill.—1° Exchequer Bills.

TOTNESS ELECTION.

Mr. LASCELLES brought up the Report of the Committee appointed to inquire into the petition of Mr. Charles Barry Baldwin, complaining of an undue return for the borough of Totness. The Committee had determined—

> "That Thomas Mills, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Totnes."

And the said Determination was ordered to be entered in the Journals of this House.

BOLTON ELECTION.

Lord ROBERT GROSVENOR brought up the Report of the Committee appointed to inquire into the petition of George Greenhalgh, complaining of an undue rereturn for the borough of Bolton. The Committee had determined—

> "That Thomas Barnes, esquire, and Joseph Crook, esquire, were duly elected Burgesses to serve in this present Parliament for the Borough of Bolton."

And the said Determination was ordered to be entered in the Journals of this House.

The Committee had also agreed to the following Resolution:—

> "That the Petition of George Greenhalgh was frivolous and vexatious."

FISCAL CHANGES, ISLE OF MAN.

Mr. EWART said, he begged to ask the hon. Secretary to the Treasury whether the measures proposed to be adopted in reference to the fiscal changes in the Isle of Man were yet prepared; and, if so, when the Government proposed to lay the same before the House? Also, whether it was intended that such measures should affect importations made under the licences ending the 30th day of June next; also, whether any and what measures had been adopted to promote a more frequent communication by mail with that island during the winter months?

Mr. JAMES WILSON said, the proposed changes with regard to import duties in the Isle of Man were in a state of great forwardness, and though he could not state what they were, he might assure the hon. Member that the increase of duty would be extremely small, the present anomalous system would be entirely abolished, and the restrictions which permitted importations only by licence, would be entirely removed. With regard to the licences ending the 30th of June next, he believed they would not be affected, because the changes would not come into operation before that time; and with regard to more frequent mail communications, he was not aware of any such measures having been adopted.

PRISON DISCIPLINE.

Sir **HENRY HALFORD** said, he begged to ask the noble Lord the Secretary of State for the Home Department, with reference to a petition from the justices of peace for the county of Leicester, in quarter-sessions assembled, whether it was in contemplation of Her Majesty's Government to introduce any measure for adaptation of the law regarding prisons to the system of the individual separation of prisoners, as applied to those under sentence of hard labour, and generally in order to carry out the recommendation of the Select Committee of this House on Prison Discipline, in 1850?

Viscount **PALMERSTON** said, the communication which he received from the magistrates of Leicester turned on this point. The visiting justices had established a rule in the prison, that persons sentenced to hard labour should be employed eight hours a day in turning a crank, and if they rejected or refused to do so, they were deprived of a certain portion of their daily meals. It appeared to his predecessor in the office of Secretary of State that that regulation was not borne out by law, and probably the opinion was well founded. If the hon. Baronet's question was whether it was the intention of Her Majesty's Government to bring in a Bill to legalise such an arrangement, his answer was that it was not the intention of Her Majesty's Government so to do.

THE BORNEO PIRATES.

Mr. **T. BARING** said, he wished to ask the right hon. Baronet the First Lord of the Admiralty whether any or what measures had been adoped by Her Majesty's Government to protect British commerce against piratical proceedings on the coast of Borneo?

Sir **JAMES GRAHAM** said, representations had been made to Her Majesty's Government with respect to certain proceedings, said to be piratical, on the coast of Borneo, and in consequence of those representations the admiral commanding on he East India station had been instructed that if similar representations were made to him, he must exercise his discretion with reference to taking naval precautions for the dispersion of such pirates; at the same time care was to be taken that evidence of piracy was first adduced before force was used; and intimation was made that it was not the policy of Her Majesty's Government to seek any acquisition of territory on the mainland of Borneo.

HACKNEY CARRIAGES.

Sir **ROBERT H. INGLIS** said, he had given the hon. Gentleman the Under Secretary of State for the Home Department notice of the two questions he wished to put to him with reference to the Bill now before the House for the regulation of hackney carriages in the metropolis. He understood the parties most interested in a pecuniary point of view desired that the Bill should be referred to a Select Committee; and the first question was, whether the hon. Gentleman was prepared to accept that proposition at such a time as might be proper to make it?

Mr. **FITZROY** said, he should certainly very much deprecate the referring this Bill to a Select Committee, which would, in fact, be giving it up for the present Session. It was a Bill much required for the interests of the public, and he should be very sorry if he did not take every means in his power to advance it as speedily as possible.

Sir **ROBERT H. INGLIS**: The second question was, at what time the hon. Gentleman would bring on the discussion? He trusted it would not be at a late hour, but on as early a day as was convenient. He also begged to remind the hon. Gentleman that great interests were involved in the operation of this Bill—capital amounting to 500,000*l.*, and the livelihood of 5,000 families were in a measure dependent upon it.

Mr. **FITZROY** said, he apprehended that there was no chance of going into Committee that night, and would therefore postpone it until to-morrow, but he hoped to bring it on to-morrow after the notices of Motion were disposed of.

THE BUDGET—THE TEA DUTIES.

Mr. **MOFFATT** said, he begged to ask the Chancellor of the Exchequer on what day he would introduce the Resolution for the reduction of the duties on tea, and whether, in the event of the House passing the Resolution, it would have immediate effect?

The CHANCELLOR OF THE EXCHEQUER said, he was quite aware of the importance of the question put by his hon. Friend, and he was desirous to answer it as far as the matter depended on himself. Of course his hon. Friend was aware that the House had it in their own discretion to prolong or curtail those discussions on which they were now engaged, and upon which the proceedings of the Government must depend. The course, however, which would be taken by the Government would be this. After the vote on the Income Tax Resolution they would propose the Legacy Duty Resolution; and after the vote on the Legacy Duty Resolution they would propose the second reading of the Income Tax Bill. After the second reading of the Income Tax Bill they would then propose the second reading of the Spirit Duties Bill; and it would then be competent for the hon. Gentleman, who he believed had given notice to that effect, to contest the principle of that Bill. After the second reading of the Spirit Duties Bill, they proposed to carry the Income Tax Bill into Committee, losing no time in carrying it through the successive steps he had detailed. After the Income Tax Bill had passed through Committee, all the Resolutions with reference to the remission of Customs duty would be proposed; and in the event of the Resolution with regard to the tea duty being agreed to, the remission would take effect from and after the day the Resolution was reported to the House.

THE INCOME TAX.

MR. PACKE begged to ask the Chancellor of the Exchequer, having his assurance that the income tax shall cease at the end of seven years, whether he would have any objection to give an option to compound for the future payment of the tax, by payment in one sum, or by instalments?

The CHANCELLOR OF THE EXCHEQUER was quite willing to promise to take this matter into consideration. He should be very glad if the arrangement suggested could be carried out; but he was afraid, with reference to so long a period as seven years, there would be considerable difficulty. He hoped, therefore, the hon. Gentleman would not interpret his reply into giving any pledge on the subject.

THE LEGACY DUTY.

LORD ADOLPHUS VANE said, he wished to ask the right hon. the Chancellor of the Exchequer whether the legacy duty on successions would extend to property of all descriptions, whether under settlement or under trust?

The CHANCELLOR OF THE EXCHEQUER was not aware of any distinction with reference to property under settlement and property under trust. He meant to take away the exemption of property under settlement, and such property would have no preference over any other kind of property.

FINANCIAL STATEMENT—THE BUDGET —ADJOURNED DEBATE.

The House in Committee of Ways and Means; Mr. Bouvevie in the Chair.

Question again proposed, "That the words proposed to be left out stand part of the proposed Resolution."

Debate *resumed.*

SIR WILLIAM CLAY said, he trusted it was not necessary that he should preface the observations he was about to address to the Committee by an assurance that he should not have moved the adjournment of the debate on Friday night merely from the wish to gain an opportunity of taking a part in it; but as it was clear the adjournment of the debate was inevitable, it occurred to him that it might not be altogether useless that he should state the sentiments not only of the great constituency he had the honour to represent, but also, he believed, of other portions of the metropolis, with respect to the important question now under consideration. He had reason to believe those sentiments to be decidedly in approval of the financial measures of the Government. He believed great disappointment and regret would be felt throughout the whole of the metropolis, and throughout the great towns of the Kingdom, if those measures were rejected by the Committee. In those sentiments he heartily concurred. After the most mature consideration, the impression he entertained on first hearing the statement of the right hon. the Chancellor of the Exchequer, had been fully confirmed. He was of opinion that the financial scheme the right hon. Gentleman propounded was wise and expedient, as well as bold and comprehensive, and that it combined with the most important immediate relief in the articles of taxation, the prospect of laying a safe and solid foundation for our future fiscal system. In the remarks he was about to make he should confine himself wholly to the question immediately before the Committee, as to the question of the property and income tax. There could be no doubt that it was the most important question connected with the financial scheme of the Government, inasmuch as the entire scheme must be abandoned if the Committee refused to sanction that proposition. It was proposed to deal with the property and income tax on its present basis, extending it to Ireland, and holding out the prospect of its ultimate extinction. With regard to the present maintenance of the tax, he believed there was no very considerable difference of opinion either in that House or in the country. The abolition of the income tax would occasion a deficiency of about 5,000,000*l*., and he had not yet heard any man bold enough to state by what process of direct or indirect taxation the deficiency which would be caused by the abolition of the income tax was to be supplied. The question of the extension of that tax to Ireland he approached with embarrassment; but, entertaining the profound conviction with regard to it which he now did, and long had done, he felt it his duty to warn the Irish Members against causing it, by their acts, to become a prevalent opinion in England that there was an inclination among the representatives of Ireland to resist, on slight or insufficient grounds, an extension of equal taxation to their country. He did not for a moment question their right, or their duty, of defending the local and pecuniary interests of their constituents; but he would beg of them to remember their more sacred obligation to provide, by a just distribution of the necessary public burdens, for the maintenance of that great Empire, a part of which they represented. He would at the same time remind them of what fell from the hon. Member for Kerry (Mr. H. Herbert), who had said that it must be a strong case of necessity to warrant him in relieving himself, his neighbours, and his country, from their just share of the Imperial burdens. Had any such reason been shown? He thought not, nor any approach to it even. What were the reasons urged in the speech of his right hon. Friend the Member for Portsmouth, to whom he referred as to one by whom the best arguments would be adduced for any course he might think it right to adopt. The right hon. Gentleman had argued that whereas we were making a large remission of taxation with regard to Great Britain, we were making no corresponding remission with regard to Ireland, and had wound up his argument by a comparison of the proportionate gain to accrue to England and Ireland respectively between the present period and 1860. He stated that in 1860, while England would have been relieved, in the shape of assessed taxes and income tax, of 6,715,000*l*. a year, Ireland would only have been relieved of 245,000*l*. a year by means of the annuities. He (Sir W. Clay), however, should rather say that in 1860 Ireland would have been relieved of 245,000*l*. a year, and that she then would be, as she now was, in a highly favourable state in the matter of taxation as compared with England, inasmuch as she would continue to be more lightly taxed than England, notwithstanding the large remission in the latter country. But if the argument of the right hon. Gentleman were pushed to the extreme it would render the remission of taxation in England impossible, because there would be no means of remitting equivalent taxes in Ireland, simply for the reason that they did not exist. For instance, there was no soap tax in Ireland. Could they relieve her from a soap tax? There was no income tax; how could they reduce it? If they were asked to take off her assessed taxes, the reply would be, she had none. Should they equalise the duty on spirits in Ireland? Why, even after the addition proposed, the duty in Ireland would not amount to half that in England. It was clear, then, if the argument of the right hon. Gentleman came to anything, that there could be no tax remitted in England unless it also existed in Ireland. The conclusion was one to which he thought very few hon. Gentlemen would subscribe. With regard to the consolidated annuities, the question had been raised whether Ireland alone should be mulcted for what was said to be an Imperial calamity? He replied that this was only a partial payment, and that the Imperial Parliament had voted considerable sums, of which account had not been taken, nor repayment demanded. Irish Members, ought not, therefore, to think it right—ought not to condescend to allow the people of England and Scotland to pay Ireland's share of the Imperial taxation in addition to their own. He said this with confidence, though quite ready to admit that we had in times past done wrongs enough to Ireland which had still to be atoned. He admitted that with regard to her civil and religious liberties she had still wrongs unredressed; but he denied that those wrongs were financial wrongs. He had no wish to defend or to palliate our misgovernment in Ireland—but for that misgovernment the people of

England had dearly paid—it would not be easy to count the millions it had cost to maintain in that country the Church of a minority; but were her wrongs to be counted in pounds, shillings, and pence? Would they discuss on such low grounds questions which they might decide on far loftier principles, and by far higher considerations? The hon. Member for Mayo (Mr. G. H. Moore) had urged, as one of the grounds why the income tax ought not to be extended to the Irish, that the people of Ireland had two Churches to maintain. The great Nonconformist classes of England might urge the same claim for exemption; but had anybody ever heard of their pressing it as a reason for being excused from their share of the burden of taxation? The hon. Member for Belfast (Mr. Cairns) had urged, as a reason for disapproval of this measure, that to some parts of Ireland, and especially to those whom he represented, the remission of the consolidated annuities would not balance the evil of the imposition of the income tax, inasmuch as they were burdened with no share of those annuities. The hon. Gentleman's course, to obtain justice to the aggrieved localities of which he spoke, would then be to request the Chancellor of the Exchequer not to take off the consolidated annuities, but yet to impose the income tax on Ireland, thus equalising the new burden, and showing no favour by any partial countervailing remission. There were many Members of the Opposition who would naturally support him in that proposition, having on a former occasion given their support to an hon. Baronet's (Sir B. Hall's) Motion for an extension, not accompanied by any remission, of the income tax to Ireland. A main feature of the plan which had been proposed by the right hon. Chancellor of the Exchequer was the gradual reduction and final extinction of the income tax; and, without expressing any opinion as to what might be the fate of that tax in 1860, he thought that the right hon. Gentleman had abundant grounds, judging from past experience, to justify him in at least putting it within the power of the country to dispense with it in that year, when there would fall in about 3,000,000*l.* from the termination of the long annuities, the only opportunity—he was firmly convinced—when there would be a chance of getting rid of the tax. The whole tendency of our legislation for not a short period had been to lessen the burden of taxation borne by the working classes. He approved of that legislation; but was it necessary to proceed further in that course than was proposed by the scheme of the right hon. Gentleman? When, in addition to the remissions which had been already made, those important remissions upon soap and tea should be included, he was convinced it would be found—omitting tobacco and spirits—that but a very small portion of the working man's income would really go, in the shape of taxation, to enhance the public revenue. There was another class of considerations which bore on this very important question. Every one who had paid attention to the subject was aware that the comfort of the lobouring classes, or, in other words, their command over the necessaries of life, depended more on the state of the labour market than on any fiscal regulations. It had happened more than once, that when there had been a remission of taxation the wages of the working classes had been diminished to an equivalent amount. Now, what was the prospect of the labour market at present? Such as had not been known for half a century—probably never in the history of the country. The facility of communication with the rich and unworked portion of the earth's surface was drawing off a vast portion of our labouring population. Already this movement was being felt in the labour market, and he thought that no man could doubt that the prospect before the working man for the next few years was such that he was likely to be enabled to protect himself, and to secure an improved remuneration for his labour. He rejoiced in that prospect; but certainly it did bear upon the question whether they should or should not—he would not say at once abolish the income tax, but whether they should not—keep themselves in a position to repeal it as soon as possible. It ought also to be borne in mind that the income tax fell upon the profits of capital, and that the facility of communication with the new world, and the consequent draining off of the working population to which he had referred, rendered more and more perilous the competition of capital. This was an additional reason why they should at least pause before they rendered permanent a tax the immediate effect of which was to reduce the profits of capital. He had abstained from going into the general merits of the Budget; but his opinion was, that on the whole, it was a valuable scheme—that it combined, with an important present relief of taxation, the closing of more than one question of great financial difficulty—that it removed from large classes of the community a well-founded feeling of injustice—and that it tended to lay a sure and safe foundation for an improved system of fiscal administration. For these reasons it was his intention to give it his cordial support.

SIR FITZROY KELLY said, he might well leave the address of the hon. Member who had just sat down to the argument of the right hon. Gentleman the Member for Portsmouth (Sir F. Baring) to whom he had referred; and at once call the attention of the Committee to that period of the debate when the hon. Member for Montrose (Mr. Hume) became the worthy follower of the Chancellor of the Exchequer in a course, the consistency of which —however it might have escaped criticism in that House—must, he presumed, one day be vindicated at Oxford, and justified at Montrose. The right hon. Gentleman in that gigantic oration—the parent of all the financial discussions that had followed, had pointed out, most convincingly, that the owners of land under the income tax were made to pay no less than 9*d.* in the pound, whereas by law and justice they ought to be assessed at 7*d.* only; and when they leant forward, *arrectis auribus*, to hear the remedy the right hon. Gentleman was going to apply, they were met by the consolatory announcement that if the Committee would but consent to the Budget, he would heap upon the owners of the land additional and permanent burdens to the extent of some large but undefined proportion of 2,000,000*l.* a year, with a further increase of duty on malt and on maltsters. Such was the consistency of the right hon. Gentleman—who increased the only burdens which he declared to be already too great. The hon. Member for Montrose followed in this course, consistently declaring himself in favour of the income tax while voting for its extinction, and dwelling on the intolerable inequalities of many of its schedules whilst voting for their continuance, unmitigated and unreformed, for the unprecedented period of seven years. He (Sir F. Kelly) opposed these Resolutions. He opposed them on the ground that they were part of a scheme of taxation which was pregnant with new and intolerable burdens to the landed interest; he opposed them because they sought to extend the income tax to Ireland without any justification—without any political necessity—without any necessity at all; he opposed them because, without any ground, it was proposed to continue this tax, unmitigated and unchanged, for the unexampled period of seven years; and he opposed them also, mainly and principally, because they extended for this long time those unjust and unendurable inequalities which had brought discredit on the Legislature and suffering on the people ever since the income tax was imposed. It would scarcely be fitting on this first discussion of the scheme to enter at any length into the numerous questions which affected so many and such various interests. But he could not pass to the question of the income tax without adverting to some of the strange and peculiar features of the scheme laid down by the Chancellor of the Exchequer. The right hon. Gentleman laid before the Committee a minute and detailed statement of the improvements effected in the tariff by Sir Robert Peel, and of the numerous reductions and remissions of taxation then made. He (Sir F. Kelly) had no hesitation in saying that he fully concurred in many of the propositions of the right hon. Gentleman. It might be that the remission of the soap duty amounting to more than 1,000,000*l.*, and some of the other remissions proposed, were beneficial and open to no criticism. But it was a remarkable feature in the Budget, that the whole of the reductions, amounting to something like 2,500,000*l.*, were to be made up by new taxes upon the owners of land and upon the people of Ireland. He thought it was not without reason that hon. Members more immediately connected with that country complained of the course which had been adopted by the Government at this particular period. He had not heard it suggested by the right hon. Gentleman, or by any Member of the Government, why at this particular time a tax, possessing such odious inequalities, should for the first time, without any proper machinery for levying it, be imposed upon Ireland. When, in 1798, and again in 1803, the tax was imposed—at a time when the nation was engaged in the most extensive and terrible conflict in the history of the world, and when no man could foresee the end or the consequences of the war — Ireland was spared. In 1806, when the prospects of the country had become still more dark and threatening—when the victory of Austerlitz had laid all Europe prostrate at the feet of Napoleon—at that time when the income tax was increased from $6\frac{1}{2}$ to 10 per cent, no statesman thought of extending the tax to Ireland. The tax was continued until the termination of the war, when it ceased for many years. He now came to the year 1842, when Sir Robert Peel proposed the reimposition of the tax. At that time there was a deficit in the Exchequer, the result of repeated deficiencies during a series of years, amounting to no less than 10,000,000*l.*; the deficiency in the year next preceding that in which Sir Robert Peel made his proposition being rather more than 2,000,000*l.* With that great exigency on the one side, and with the view of effecting a vast improvement in the financial and commercial policy of the country, Sir Robert Peel proposed the income tax. But at that time, as during the time of war, Sir Robert Peel never suggested the extension of the tax to Ireland. After an experience of the operation of the tax for eleven years, the Government, admitting its inequality, and with a surplus in the Exchequer, proposed not only to continue it, but to extend its operation to Ireland, and that without any inquiry to ascertain the ability of that country to bear it. The right hon. Gentleman the Chancellor of the Exchequer said that Ireland ought to bear her fair share of this taxation, because she had shared in the benefits derived from the new system. If that argument was good now, it would have been equally available in 1842; and there was no argument now used which might not have been used equally well at any of the periods to which he had referred. Looking to the condition of Ireland—looking to the fact that the land of Ireland was groaning under its local burdens—he did hope that some Gentleman more immediately connected with that country would move for a Committee to inquire into and report upon the capability of Ireland to bear this tax now for the first time sought to be imposed upon her. It was said, that his right hon. Friend the late Chancellor of the Exchequer contemplated a partial extension of this tax to Ireland. It was true that he proposed to tax the stockholders of Ireland in the same ratio as those of England, but upon a reformation in the scale of taxation, and the removal of some of the inequalities of the tax. There were several considerations which rendered it difficult to maintain for any length of time an income tax on the stockholders of England if those of Ireland were to be exempt. He did not admit that Ireland was in a condition to pay any increased taxation; but if the income tax was to be continued for a time, and if it was found that the funds in Ireland were higher in value than those in England, affording an inducement to remove capital from the English to the Irish funds, that would be a justification, if not for an extension of the tax, at least for some measure which would produce an equalisation. It was on this ground that his right hon. Friend (Mr. Disraeli) proposed to extend that portion of the income tax to the fundholders in Ireland. The proposition was met at that time by a strange argument on the part of the present Chancellor of the Exchequer, who hesitated not to say that it was a breach of good faith, that it was contrary to the provisions of the many Loan Acts under which the public debt is secured to the public creditor, to tax the funds in Ireland in the manner proposed. He (Sir F. Kelly) thought that great misapprehension prevailed as to the nature of the pledges, if they were pledges, contained in the Loan Acts. He wished to call the attention of the Committee to the provisions of the Loan Act of 1803—and the other Acts were worded in the same manner—it was expressly enacted "that the said several annuities shall be free from all taxes, charges, and impositions whatsoever." He had no hesitation in saying that the sooner we ceased to tax the funds at all, or determined to remove that provision from the Statute-book, the better it would be for the credit of the country. The right hon. Gentleman the Chancellor of the Exchequer, it was said, had followed the example of Mr. Pitt. He (Sir F. Kelly) admitted that that "heaven-born Minister" sometimes yielded to an infirmity from which his less inspired successors were not free—of using a different argument on the Treasury bench from that which he advanced when in opposition; and he must say that, whatever might be the argument of the Chancellor of the Exchequer now, he previously insisted that the Government could not tax the funds without a breach of faith, by reason of the provisions in the Loan Acts. Now, if that provision had any authority at all, he (Sir F. Kelly) would venture to submit to the Committee that it operated against the imposition of any tax on the dividends in the public funds. There was no qualification whatever in the language used in the Act. The argument of the right hon. Gentleman was this—"You may impose a tax on dividends, on stock in the funds, if you will only tax the fundholders in common with other persons; but if you propose any disproportionate tax, you commit a breach of the public faith." Now, he (Sir F. Kelly) rejected that argument at once, and appealed to the Committee whether it was not a breach of faith to impose any tax whatever on such dividends. The provision to which he had referred applied to every description of taxation, and in his opinion the income tax ought never to have been imposed on the funds at all. He (Sir F. Kelly) believed that the fair and honest course would be to say to the public creditor at once, "You have submitted for sixteen or seventeen years during a time of war, and for eleven years during a time of peace, to have the dividends of the funds taxed, and you must therefore, for the time to come, endure taxation under such circumstances as the Government may deem it expedient to impose it." He should now pass to the question of continuing the income tax for a period of seven years. The observations which he had addressed to the Committee with reference to the case of Ireland, would also apply to the point to which he was now addressing himself. In the years 1798 and 1806, when the exigencies of the country were very great, and in 1842, when extensive financial reforms were to be effected, the imposition of the income tax for a longer period than three years had never been attempted. Yet at the present moment, when we were merely seeking to carry out to its completion the principles of reform which Sir Robert Peel had introduced—when there was, instead of a deficiency, a surplus in the national exchequer—it was proposed to levy the income tax for seven years, upon the understanding that it was at the end of that period to be abolished altogether. Now, many hon. Gentlemen who supported the scheme of the Government were favourable to the permanent imposition of that tax. If hon. Gentlemen held that opinion, how could it be expected that a future Parliament, of which they might form a part, would consent to its abolition? He must say, his own experience during the present Session of Parliament had not tended to increase his confidence in the pledges either of Members of Parliament, or of Members of the Government. He had seen that Ministers, to suit the purposes of the day, had—if not directly violated the solemn pledges made by Parliament—at least attained the same end by transferring to another party the power of doing away with a guarantee, which was in effect an act tending to destroy it. He should be very much surprised indeed if the Government could introduce any phraseology into the Bill which would bind the Government of a future day to put an end to this tax at the time mentioned. There was also another strong ground upon which he should oppose the continuance of the income tax even for the short period of three years. He did not think that tax, with its present inequalities, should be imposed upon the country even for a single year. By levying it with those inequalities, even for a short time, they would be setting a precedent which might furnish a future House of Commons with an argument for its permanent extension under the same objectionable circumstances. He trusted, at all events, that they would decide upon limiting the period for which the income tax was proposed to be levied, even if they were inclined to make no more radical improvement in the scheme which the Government had devised. He should now refer to that branch of the subject, the inequalities to be found under the different schedules of the income tax. The fundamental principle of all taxation was, that taxes should be imposed according to the ability to pay them of those upon whom the burdens of taxation were to fall. Now, he maintained, that by taxing precarious incomes the Government were acting in direct violation of that principle. If it were impossible to base the tax upon a fair and just ground, then it could not be contended that they ought to consent to its imposition; nor was it a good argument in favour of its being levied in its present obnoxious shape, that its inequalities could not be entirely removed, and its pressure upon the people at large rendered perfectly just. He would, as illustrating his argument, suppose the case of a member of his own profession making 2,000*l.* a year, and then he would suppose the case of a landholder or a fundholder in the receipt of a similar income. They were charged under the income tax to the same extent, although the landowner or the fundholder derived his revenue from a property which not only continued unchanged throughout his own life, but descended unimpaired to his children; while the income of the lawyer necessarily terminated with his life, and was liable to various deductions—from the failure of his health, from the success of some new competitor, and even from changes in the law. He had himself known ten or twelve instances of gentlemen of his profession who three or four years ago had been realising by their exertions upwards of 2,000*l.* a year, and who since that time had not, in consequence of the operation of the County Courts Act, been realising more than half that sum per annum. There was, therefore, a manifest injustice in subjecting the holders of incomes liable to those casualties to the same charge as the holders of similar incomes derived from permanent property in land or in the funds. But in the case of the tradesman the unjust operation of the system was still greater, for he was not only exposed to the same casualties as the lawyer, in consequence of the uncertain tenure of his health or of the favour of his customers, but he was also compelled to run the risk of finding his profits altogether destroyed by bad debts. But there was another point of view, in which the wide-spread injustice of this system of taxation became still more apparent. If they would tax people according to their ability—if they would consider, not what was the amount of income which a man might have realised in a single year, but how much of it he was prudently entitled to spend and apply to his own use—and if they would take that reduced amount, leaving him to save the difference for the benefit of his posterity, they would then approach at least the principle of justice; but when they took the whole of the income of a merchant or a tradesman, they in effect not only taxed the entire income itself, but they imposed upon that income an additional and double amount of taxation, by reason of the very act which, instead of discouraging, they ought to encourage by every means in their power. As an illustration of his argument, he would briefly refer to the case of a late eminent member of his own profession, the lamented and distinguished Sir William Follett. He spoke within bounds when he said that in 1842, when the income tax was reimposed, Sir William Follett was making by his professional exertions at least 16,000*l.* a year. Now, in the case of a fundholder with an income of 16,000*l.* a year, they taxed him to the full amount of his annual receipts, but he still retained his capital of 500,000*l.* untouched, and would pass it undiminished to his posterity. It was far different in the case of Sir William Follett. They taxed his income of 16,000*l.* to the same amount and in the same way as the other, though it was not worth more than two or three years' purchase at most, for Sir William Follett was in his grave in less than three years after the tax was imposed. But the injustice did not end here. Sir William Follett in 1842 had, by many years' successful practice, realised a capital, the interest of which was sufficient for his entire expenses. That interest was also taxed, so that they not only placed a tax upon his income of 16,000*l.* a year, but they also taxed the interest of his savings, and thus burdened with taxation that which they ought to have relieved. The consequence was, that while they taxed the fundholder with his capital of 500,000*l.* at the rate of 7*d.* in the pound upon an income of 16,000*l.*, they taxed Sir William Follett, whose income was not worth three years' purchase, not only to the full extent of his 16,000*l.* a year, but also in respect of an additional sum of 800*l.* a year, the interest of the sums invested from month to month, or from quarter to quarter, by their owner. Such was an illustration of the injustice of the income tax. But let them look to the inequality which existed in the case of clerks and persons making small and precarious incomes of 150*l.* or 200*l.* a year, as contrasted with Government clerks, whose incomes were for life, or who, at all events, could only be deprived of them through misconduct. They taxed the incomes of both of these classes in the same ratio, though one class would lose their salaries from the bankruptcy of their employer, or from illness, or from any one of a variety of other casualties, while the other would enjoy their incomes at least for life. He mentioned these things to show that the injustice of the tax was not confined to merchants, bankers, and rich tradesmen, or to members of the liberal professions, but extended to every class in the country, and particularly to the more industrious, and, therefore, the more useful and meritorious, class of persons, whatever their occupations might be. He desired now to call the attention of the Committee to the various arguments which had been adduced in favour of the Ministerial proposal. The right hon. Chancellor of the Exchequer proposed, in the first place, to remit the tax upon life insurances. Now, he was not thankless even for that small mercy, but really the benefit of the proposed remission would be very limited. It would amount altogether to some 30,000*l.* a year or so, and the advantage would be confined to those who might effect insurances upon their lives during the remaining period of the existence of the tax—they who had already insured receiving no relief at all. He did not say that this was not a very commendable proposal, but it was too small and insignificant to afford the slightest consolation to those classes who suffered under the inequalities of the tax. But then the Chancellor of the Exchequer asked, why should they remove or modify Schedule D in order to give the benefit to rich merchants, bankers, and brewers, who had almost hereditary fortunes? Now he could not avoid saying that he thought the argument of the right hon. Gentleman somewhat exaggerated. They must remember that the inequalities of the tax pressed upon every class of persons in the country, whether engaged in trade, commerce, or professions, and that the proportion of rich merchants, bankers, and brewers was very small indeed. When they considered the failures which had taken place during the last few years, and that what were thought to be among the richest and greatest commercial houses in the kingdom had, nevertheless, fallen into ruin and bankruptcy, who should say that any establishment, however great or rich it might be, or however long it might have been in existence, was perfectly secure against such a calamity? But even if it were so, he asked them, would they not rather that the tax should fall somewhat too lightly upon a few rich merchants, bankers, and brewers, than that it should press with crushing weight upon hundreds and thousands of small but honest and industrious tradesmen and clerks? They were next told by the right hon. Gentleman that the principle of self-assessment was essentially vicious, and that it led to fraud and falsehood, particularly among the persons comprised in Schedule D. He was utterly unable to see the bearing of this statement upon the proposal of the Government. He could understand the Chancellor of the Exchequer if he said that the vicious principle of self-assessment was inseparable from the income tax, and that therefore Schedule D ought to be suppressed, and altogether struck out of the Bill. He could understand him also if he argued that it was the principle of self-assessment which led to the inequalities in the tax, though he was convinced that what drove people to evasion and acts of fraud was the feeling that they were unfairly and oppressively dealt with in the imposition of the tax. If they attempted to impose an undue amount of duty upon French brandy, they immediately overran the coast with smugglers; and so, if they oppressed any class of the community with a system of taxation which all felt to be unjust, they necessarily compelled the sufferers to evade and violate the law. The Chancellor of the Exchequer, in support of his argument, had referred to the case of a number of persons who, in making a return of their incomes to the Income Tax Commissioners, had placed them down at the aggregate sum of 9,000*l*. a year, while at the same time they claimed compensation, on account of street improvements, upon an aggregate income of 48,000*l*. a year, receiving 26,000*l*. by the verdict of a jury. He was sure there must be some mistake on the part of the right hon. Gentleman, for no jury in trying cases of compensation for street improvements estimated the annual income of the party complaining; and the alleged facts stated by the right hon. Gentleman could not appear as the result of any such proceeding. This was a matter upon which he possessed some experience, having the honour to be standing counsel for the City of London, where such claims had been made in great numbers, and he might venture, therefore, to inform the Committee that when a claim of this kind was made, it was a claim for compensation for the whole amount of the injury or damage sustained by the complainant, and that it was utterly impossible to ascertain from the verdict of any jury what was the precise amount of income realised by the complainant in a single year. The amount of damage sustained by a party in consequence of his being removed from his premises might be equal to three, four, five, or even six years' income, and there were a variety of other items of claim which a jury must necessarily take into consideration. Although, therefore, the parties referred to by the Chancellor of the Exchequer had returned their incomes at 9,000*l*. a year, at the same time making a claim for compensation of 48,000*l*., it did not follow that the 26,000*l*. awarded by the jury was intended as a fair estimate of their annual incomes, but rather as a discharge of a general claim for compensation, including numerous and different charges. It was not, therefore, on such grounds they were to take for granted that anything like the degree of fraud which had been represented by the Chancellor of the Exchequer had really been practised; but, even if all that had been stated were true, he was wholly at a loss to see how it could justify the

Committee in renewing the income tax, with all its inequalities, for a further period of seven years. But the great argument of the Chancellor of the Exchequer was founded on the supposed impossibility of removing the inequalities which were admitted to exist. They were told likewise by the hon. Member for Stoke-upon-Trent (Mr. J. L. Ricardo), a Gentleman minutely acquainted with financial subjects, that having gone into the Select Committee under the impression that the inequalities in the tax were capable of correction, he left it with an entirely opposite opinion. Now, he (Sir F. Kelly) did not deny that the task might be a difficult one, but he submitted it was one from which neither the right hon. Chancellor of the Exchequer nor the hon. Member for Stoke-upon-Trent had any occasion to shrink. Although he believed it was absolutely impossible to arrive at exact and perfect justice in the imposition of the tax, yet they might at least approximate to justice, and so deprive the classes now labouring under oppression of the right any longer to complain. But it was said that if they looked to the nature of incomes realised from trades and professions, they would find it quite impossible to reduce them to any scale, or to impose a graduated or differential tax. He would take the most difficult incomes of all—those arising from professions. It was perfectly true that in the case of two professional men—barristers, for example—of the same age, and making precisely the same amount of income, there might be such a difference as would make an equal assessment partial and unjust. The one might be of sound health, likely to live for thirty or forty years, while the other might be consumptive, with hardly three years' life in him. The one might be a single man, and able to live on 500*l.* a year, or say the fourth part of his income; whereas the other might have a wife and ten children, and be obliged to spend 1,000*l.* a year to enjoy the same degree of comfort. Here, no doubt, there were inequalities, but they were inequalities which defied legislation. What, then, was to be done? Let them look for a moment at the system of life insurances. No two lives were exactly the same, yet insurance officers, by a scale of ages, coupled with other considerations, imposed a certain degree of premium by which something like a fair value of the insurance was obtained. So with respect to professional incomes. He did not say that at all times they could ascertain the exact value of professional incomes; but whenever they were of the same amount they ought to be assessed upon a graduated scale for a period say of ten years. Undoubtedly there might be differences, for no two incomes were exactly of the same value; but if they made, in the first place, a sufficient and substantial difference between the assessable value of a permanent income from land or property in the funds, and that of a temporary and precarious income from a trade or profession, and if they then valued the professional income upon a scale of ten years in the age of its possessor, they would arrive at this result—they would tax precarious incomes upon a lower scale. It had been suggested that incomes derived from trades and professions should be subjected to 25 per cent less than incomes derived from permanent sources. Now he was of opinion that it would not be fair to the trades and professions to tax their incomes at a reduction of only one-fourth of the assessment; the difference ought to be one-third, or 33 per cent. There would be no injustice there, or, at all events, it would be much less than under the present system. But the other schedules were open to the same complaints, and he would now pass from Schedule D to Schedule B —the farmer's schedule. He did not hesitate to say, with all respect to the wisdom of Parliament, that it would have been scarcely possible to have adopted a more uncertain or a more fallacious criterion than that of Schedule B. They took a farmer, who paid a rental of 400*l.* a year, and at once assuming that his profits amounted to the half of his rent, they taxed him upon an income of 200*l.* There were some farmers, particularly those who were fortunate enough to have capital, whose annual profits were equal to the entire amount of rent; while, on the other hand, there were a great many, and he was afraid their numbers had largely increased of late, who made no profits whatever. Yet both classes were taxed to the same amount and in the same way, and the profits of the farmer were assumed to be invariably one half the amount of his rent. Schedule B ought, therefore, to be modified, and farmers ought to be taxed, not according to their assumed profits, which they never made, but according to their real profits, which it could be shown they had actually made. Schedules C and E also required reform, for it was shameful to tax the poor clerk or shopman in the same ratio as the owner of an independent and permanent income. He felt that in the arguments which he had urged for the reform of this tax, he spoke with the voice, and in accordance with the sentiments, of the great majority of the people of this country. Unless with these improvements, these attempts to approximate to justice, he should oppose the Resolutions at every stage at which the forms of the House would permit him to oppose them. He knew that hon. Members on his side of the House did not possess the experience or the abilities of those whom they saw combined in such strange harmony and concord on the benches opposite. They did not possess the faculty which hon. Gentlemen opposite possessed of influencing whole parties in that House to sacrifice or abandon principle to the stability of a Ministry. They did, however, upon this question represent, and were identified with, the interests, and feelings, and judgments of vast numbers of some of the most industrious, of the most useful, and of the most meritorious classes of the whole community. It was in the name of those classes, and in their own, that he and those who surrounded him, told the Ministry of the day that they would ultimately be forced to yield to necessity that which they now refused to justice, and that they would at last be compelled to own that these injurious and oppressive inequalities were a burden no longer to be borne—that the voice of the people had condemned them—and that the voice of justice demanded that they should cease.

Mr. LOWE said, he presumed, considering the quarter of the House from which the speech just delivered had come, that it was to be looked upon as made in support of the Amendment before the Committee, though by what possible course of legal or logical ingenuity the hon. and learned Member for East Suffolk could persuade himself that his speech could support the Amendment, he (Mr. Lowe) was at a loss to discover. The purport of the Amendment was, that it was unjust and impolitic to renew the income tax for seven years, and extend it to classes not now paying it, without redressing its inequalities. That was the thesis in support of which it was to be supposed that the hon. and learned Member had made his speech. But, if he had proved anything, he had proved exactly the contrary. What he should have established, was inequality between the different schedules—that persons in one schedule were better off than those in another; but what he had established, if he had established anything, was something that sounded very like a sermon on the vanity of human wishes, and the fugitive nature of human pleasures. He had taken the schedules one by one, and, submitting them to his microscopic gaze, he had come to the conclusion in each case, that those comprised in the particular schedule passing before him were of all men most miserable, and the best entitled to a reduction of taxation. But, that being the scope of his argument, he (Mr. Lowe) could not see how the hon. and learned Gentleman had shown "inqualities in the assessment," or supported the Amendment? Was not this description of his address borne out? He began with Schedule A; and did any one ever hear a more pathetic jeremiad than he uttered with regard to the miserable state of the land, as treated by the income tax? He was convinced, only too well convinced, by the Chancellor of the Exchequer, that land really paid 9*d.* when it ought only to pay 7*d.*; nay, so warm did he get upon the subject, that in order to enhance the miseries of this class, and make out a case for the land, he actually condescended to say what he could hardly avoid seeing, upon reflection, to be inaccurate, namely, that the whole weight of the legacy duty about to be imposed would fall upon land; whereas, a very large proportion, of course, would be paid by personal property. [Sir F. Kelly: I said a large and indefinite proportion of it.] He (Mr. Lowe) had not observed the expression; but, at all events, the hon. and learned Gentleman so deplored the state of the land, pressed by so many burdens, that he (Mr. Lowe) really thought at the time that he would wind up with showing that all the schedules were better off than this, that there was nothing hard in taxing professional incomes, and that realised property—land—was to be the subject of the reduction he had to demand. But then the hon. and learned Gentleman went on to deal with the farmers, and he said nothing could be worse than their treatment; no schedule required more revision than Schedule B. His argument was that some farmers had made large profits; but that he feared others had made no profits at all. However, the hon. and learned Gentleman should not have forgotten that the farmers who made no profits would not fall within the assessment. So Schedule B presented just as melancholy and wretched a case as Schedule A. Well, who came next in this army of martyrs? Why, then came the fundholder; and one could not but feel thankful that his argument on that head emanated from an ex-, and not a present Solicitor General, for if the strange and startling doctrine which the hon. and learned Gentleman broached were to go forth with official authority we should see such a change in the money market as might well alarm us all. For what did he argue? The literal and grammatical construction of the Loan Acts was, that the funds were not to be taxed at all; but we were in the habit of taxing them: then, said the hon. and learned Gentleman, "if you tax them at all, you may as well do the thing handsomely." So that, wretched as he made Schedule A, miserable as was the case of Schedule B, they were really better off, after all, than Schedule C, because, bowed down as they were, when you had taxed them, they still had something left; whereas the hon. and learned Gentleman had demonstrated that either we were to give up taxing the funds at all—as if no part of the debt was contracted under cognisance of the practice—or else there was nothing to stop us. How he could go on, and, contrasting the fundholder with the professional man, say that the former was free from anxiety, it was difficult to understand, for the hon. and learned Gentleman took away the shield of the rule laid down by Mr. Pitt—whose authority went for nothing now with Tory statesmen, and left him without any protection at all, to suffer from any foray that might be convenient to any Chancellor of the Exchequer. As to Schedule D, everybody knew the argument on that head; but, it was impossible to congratulate the hon. and learned Member on the selection he had made of the "miserable" case of Sir William Follett, who was one of the most successful lawyers that ever lived, and left behind him an ample fortune when he died; in fact, the hon. and learned Gentleman might, with as much propriety have invoked compassion on himself. He (Mr. Lowe) had now gone through the schedules after the hon. and learned Member. What he had proved was, that every person in every schedule was hardly treated, and, therefore, was entitled to a large reduction. Schedule A was a case of gross injustice; it should be put down at 5*d*. Schedule B was like it. As to Schedule C, he (Mr. Lowe) did not exactly know what was to be the rate; perhaps we were to come to that when we could get no money elsewhere. But how was a case made out of "redressing inequalities of assessment" if an equal amount was to be taken off every schedule? Now, having made these remarks upon the hon. and learned Gentleman's argument, he (Mr. Lowe) would take leave to offer to the Committee a very few observations of his own. A great deal had been said about the injustice of the income tax. Hardly any tax was just and equal, taken *per se;* but taxation was upon a system, and taxes apparently very unfair might be just when all were blended into a system, and harmonised. He confessed he did not think the income tax unjust, when considered in this way. What did the complaint amount to? That more was paid on one schedule than on another—that in Schedule D you had nothing but income, whereas in Schedule A you were dealing with property and income—that the percentage ought to be larger when you added property. Then the inequality could be redressed by putting a tax upon property. The hon. and learned Gentleman seemed to think that the problem was to be solved by the application of some such principle as averaging lives in an insurance office; but that did not meet the case at all. It might suit the insurance offices to take the average duration of life and leave themselves sufficient margin for profit; the offices did not feel the inequalities, though there were great inequalities, for one man died after paying one year's premium, and another paid for sixty years, and the man who paid sixty years paid for the other. It went on a principle of compensation. But that was a voluntary compact which people entered into with their eyes open. The parties were willing to take the average, because they expected to derive advantage from it, and the insurance office was willing to issue policies because it made a profit by them. What had that to do with a case where the parties were not willing to take the average, but it was forced upon them by the Government? The hon. and learned Gentleman had divided his remarks by the schedules. What reason had he to think that the schedules offered a proper division for the graduation of taxation? What was the object of the schedules? They were not prepared with reference to any difference in the tax, but with reference to the difference in the manner of its assessment. It might happen that this division, made for one purpose, might serve another—that a division made for the purpose of fixing the manner of the assessment might also furnish the best criterion for regulating a scale of taxation; but it was extremely improbable, and the *onus* of proof lay upon those who asserted it. It was far more likely that a thing made for one purpose should not be exactly fit for another. It did not appear to him (Mr. Lowe) that Gentlemen who talked about graduating the tax, and reducing Schedule D to *5d.*, did justice to the argument that an income tax—not a property tax, a tax upon income as income—was an immense national resource, an engine to be used in time of necessity. He was not going to give an opinion as to a property tax, for what they were discussing, as it had been propounded by the right hon. Gentleman the Chancellor of the Exchequer, and as it seemed to have been adopted by the Committee, was an income tax, and not a property tax. It was said that the proper course would be to take steps to make the income tax a just tax, and then to preserve it until it was wanted. Now, there was this fallacy about this proposition, that it was impossible to make the tax a just tax in that sense in which the word "just" was used by Mr. Mill, namely, demanding equal sacrifices from all taxpayers. Graduate it as you might, you could never arrive at that result, and, therefore, to seek it was merely to indulge in an hallucination and to waste time. Some of the more striking inequalities, indeed, you might remove; but as to a system of graduation which should produce what was understood to be a just tax, he did not think it could be framed. The attempt would only result in an entire revolution of all the schedules, present and possible. In Schedule A, for example, you had, among other payers, tenants of life estates—of leases for life. Admit the principle of a graduated scale, proportioned to duration of ownership, and all these persons would forthwith demand to be placed in some other schedule, with rates adapted to the probable duration of their particular lives. In another Schedule, C, were the fundholders. Admit the principle sought, and the holders of terminable annuities would very properly claim to be transferred to a different category from those who were in the enjoyment of permanent stock. On the same principle, those who occupied the bench on which he had the honour to sit—holding office by a precarious tenure—whose official incomes might depend upon an indiscreet word uttered in debate, or upon the casualty of some half-dozen Gentlemen being shut out on a division—these income-tax payers might demand to be rated under a different schedule from those officials who remained in office, and who received their salaries through all changes on that particular bench. In short, once admit the principle required, and you threw the apple of discord into all the schedules, and raised a conflict resulting in endless confusion. There must be subdivisions of classes, subdivisions of professions, subdivisions of all sorts of circumstances, and all sorts of contingencies, until the schedules would be extended from Schedules A, B, C, D, E, to the whole alphabet. Nor would the matter stop there; subdivisions of ages would be insisted upon; for the man of twenty-one, just entering upon a life estate, and the man of seventy, would raise the cry of inequality, and another subdivision must perforce be devised. So it would go on, until you were at length driven to the case of every single individual payer, to distinctions of age, health—of every feature that characterised human life; and, when you had attained this conclusion, where would your income tax be? What would have become of all your modifications and graduations that were to place the tax in a fitting state to be preserved for future use? Why, the whole thing would be split up into shreds—be frittered away to nothing. It appeared to him that the hon. and learned Gentleman's recipe for preserving the income tax was equivalent to a recipe for preserving a man's estate by putting it into the hands of the lawyers, the probable result of which would be its entire absorption. The precepts of the hon. and learned Gentleman were extremely edifying, but what had been his practice? The moral dilemma which the hon. and learned Gentleman had so pathetically put before them, between virtue and vice, in relation to the income tax, had been submitted on a former occasion to the hon. and learned Gentleman, in relation also to the income tax, which then, with Schedule C in it, had been honoured with the vote of the hon. and learned Gentleman. The hon. and learned Gentleman had said that night, that to take *7d.* in the pound from the fundholder would amount to confiscation; yet the hon. and learned Gentleman had not scrupled a few months since to vote that the tax should be extended to the fundholder in Ireland when the right hon. Member for Buckinghamshire (Mr. Disraeli) proposed his Budget last year. The point was simply this: if we did not levy this tax upon Ireland, the service of the year must go on just the same, and to meet those services, if Ireland did not pay her proportion, somebody else must, and that somebody, let it be clearly borne in mind, was the people of England. Now, he wanted to know on what tangible argument it could be made out that the people of Ireland had a claim to render the people of Great Britain tributary to them for 460,000*l.* per annum, for that was the effect of the proposition—that the people of Ireland were to be forgiven the consolidated annuities, and to pay no tax in their place? He should be very ready to forego taxation altogether if it were practicable; but he did not see why one man should be forgiven a tax if another man had to make it good. The great reason for the income tax was, that it enabled them to carry out the principle of free trade. Now, the grand principle of free trade—far more valuable than free trade itself—was, that no one class in the country should be made tributary to another class. He desired to know how, on that principle, Ireland was to be exempted from a tax, and Great Britain be made to pay it for her? There were two classes of persons in Ireland: one class which were subject to the payment of the consolidated annuities, and one class which was free from it; but neither seemed willing to admit the income tax. Those who did not pay the annuities said that the income tax was a new burden upon them, and that it was not fair they should have a new burden. Now, he contended, on the contrary, that it was only fair to the United Kingdom that the portion of Ireland which had been prosperous, which had not suffered from the calamities which had led to the consolidated annuities, and which had not paid these annuities, should pay their share of the tax, which, for great Imperial purposes, the Imperial Parliament decided it to be expedient to levy from the country at large. He should say, indeed, that these particular portions of Ireland ought to be very grateful that they were not called upon for arrears. The taxes of this country were either imposed on England and Ireland together, or raised exclusively from Great Britain, or, as in this case of the consolidated annuities—quite an exceptional case —raised wholly in Ireland. Now, the proposition of Gentlemen from Ireland was to remove these anomalies by rejecting the consolidated annuities, and paying no tax in their place. One of these Gentlemen, the hon. Member for Roscommon (Mr. F. French), on the same principle, protested against taking off the duty on soap, because that tax had never been paid by Ireland. Adopt these views of things, and you must give up all notions of financial reform. Many of the Gentlemen who opposed the extension of the income tax to Ireland, talked a great deal about tenant-right, by which he understood that, the landlords being too well off, and the tenants too ill off, something should be done to modify this contrast. Now, he begged to ask these Gentlemen, with what show of consistency they could resist a proposition which went to take the burden off the poor cottier, and to put it on persons having an income of at least 100*l.* a year? Another singular argument had been put forward; the hon. Member for Belfast (Mr. Cairns) said, "Oh, don't take any credit to yourselves for letting us off these annuities; we never meant to pay them." ["No, no!"] Yes, certainly. That was the proposition, not only of the hon. Member for Belfast, but of several other Gentlemen opposite. In other words, Members representing Irish constituencies came to that House and said to the Imperial Parliament, "You overestimate the credit due to us; you think we are going to pay our debts; you are quite mistaken, we are going to do nothing of the sort; you may as well write off that debt at once, for you wont get it from us. You may impose an income tax upon us, but don't talk of it as a substitute for the annuities, for these we've determined not to pay." The right hon. Member for Portsmouth (Sir F. Baring) had earnestly appealed to the Committee not to introduce the income tax into Ireland, lest it should demoralise her people, and teach them bad habits, and the not paying their debts. The speech of the hon. Member for Belfast would relieve the right hon. Baronet from any further anxiety on that head. The hon. Member for Belfast said, that the income tax in Ireland would be only a rate in aid to lighten the poor districts. He (Mr. Lowe) deemed it an Imperial tax for Imperial purposes; but, suppose it a rate in aid, had the hon. Gentleman any right to complain of it on that score? Surely the hon. Member did not mean to say that a tax which lightened the poor was a tax to be resisted? The real question which lay at the bottom of the whole case was, were the terms constituting this United Kingdom of Great Britain and Ireland a sham, a futility, or were they the truth? Let the Committee bear in mind that they were not here making a convention or treaty with a foreign country, or adjusting pecuniary rights with a people distinct from ourselves. It was wholly objectionable to keep up this system of debtor and creditor account with Ireland. He considered that they had no more right to look at Ireland as a separate part of the Kingdom than they had a right so to regard Devonshire or Durham in taxation or in any other matter. It was his wish, before he sat down, to express his feeling that the right hon. Gentleman the Chancellor of the Exchequer was entitled to great credit in this, among other respects—that his financial scheme was framed in no mean or servile spirit with a view to popularity. It would have been easy for the right hon. Gentleman to adopt the rough justice of the right hon. Member for Buckinghamshire, and introduce a principle which would have pounded the income tax, and rendered it useless for future purposes. It would have been easy for him to propose the renewal of the tax for three years, as the right hon. Gentleman (Mr. Disraeli) did, not with the slightest idea of getting rid of it at the end of that period, but merely to make an unpalatable impost appear more tolerable; it would have been easy for him to get rid of three-fourths of the speeches they had heard in this discussion, by limiting the income tax in Ireland to the funds and to official salaries. But the right hon. Gentleman had not thought fit to adopt any of these courses; setting aside all thought of mere trumpery popularity, he had shown the Committee how, by the application of the joint energies of the kingdom, the means might be supplied in seven years for putting an end to the income tax; he had not, of course, pledged himself that it should be then extinguished—to have so pledged himself would be to insult the common sense of his hearers, who knew that one Parliament cannot bind another, and that when 1860 came, the question must be taken on its own merits; but he had clearly shown how the tax might then be taken off, and he had, greatly to his honour, urged the adoption of the principle, now so much opposed, in order that hereafter, should occasion call for a return to the income tax, its enactment should not be encumbered, as now, with the painful question between England and Ireland. It appeared to him very necessary that this question should be settled definitely before the income tax was now reimposed. It was this disregard for mere temporary popularity that, in his (Mr. Lowe's) opinion, entitled the right hon. Gentleman to the consideration of the Committee, and which, he believed, would do him more credit in the eyes of posterity than even the masterly ability with which he had stated his plans to that House.

Mr. I. BUTT said, he was anxious to justify the vote which he should give on the present occasion. The question before the House was, whether the income tax should be reimposed. He admitted it was impossible to look at that question without taking it in connexion with the general financial scheme of the Chancellor of the Exchequer. Before they voted against the proposal of the income tax, they must look into the other portions of that scheme and see if there were anything in them to reconcile them to the reimposition of the income tax. He (Mr. Butt) would endeavour to meet the question fairly in reference to both these points of view. He (Mr. Butt) must say that nothing but the strongest necessity would reconcile him to the reimposition of the income tax. Let him remind the Committee of the question before them. That question was, whether they would now adopt as a portion of their financial policy an income tax—an income tax not as it might be altered to obviate or mitigate its inequalities—the question was, would they adopt it without any attempt to correct its admitted injustice—an income tax with all its evils—an income tax imposed upon a class hitherto exempted—and an income tax extending to all parts of the United Kingdom. This was the proposition before them; and, further, he would show the Committee that the question was, would they adopt such an income tax so extended to a new class and a new country—an income tax so unaltered—as a permanent instrument of finance? Unless by voting for the Resolution of the hon. Baronet, he saw no prospect either of mitigating its injustice, limiting its application, or making any provision for its termination. He (Mr. Butt) did not intend to argue with the hon. Gentleman who had just sat down the question whether, if you reimposed this tax, it ought to be extended to Ireland. But he must say that the hon. Gentleman had done very little to settle that question when he told them that Ireland ought to bear her fair share of the burdens of the United Kingdom. Every one admitted that; but the question was, what was her fair share of these burdens? The hon. Member for Kidderminster, one would suppose, had never read of an historical event called the Union —had never heard that Ireland and England had once been separate countries—with their separate exchequers and their separate debts—that they were united upon certain terms as to their relative contributions to the common expenditure—and that Ireland's quota of representation in the Imperial Parliament had been fixed upon the supposition that she must bear a certain proportion of Imperial taxation. These were considerations of some little moment in determining whether Ireland had any just claim to be exempt from taxation to which this country is subject; and of the existence of such questions the hon. Member for Kidderminster seemed wholly unconscious. He (Mr. Butt) was not about to discuss these questions. Nay, he said at once that if they were to adopt an income tax as a permanent instrument of taxation in England, he was not prepared to resist its enactment in Ireland. He (Mr. Butt) was resisting, not the imposition of an income tax upon Ireland, but its imposition upon the United Kingdom at large. But the proposition involved its imposition upon Ireland, just as it involved its extension to a new class in this country, those whose incomes were between 100*l.* and 150*l.* a year—a class, let him say—as numerous as those who were to be included by its extension to Ireland. He was perfectly justified in dealing with the proposal as a whole; and if he could show inconvenience and injustice to result from the application of the tax to incomes in Ireland, in using this as an argument against the entire proposal. Before he sat down he would advert to the results of imposing the tax upon Ireland in this view of the argument. All he would now say was, to ask every Member of the Committee to remember that, in determining the question of an income tax, they must decide on it as the proposal of an income tax extending over the whole of the United Kingdom, and bringing with it all the inconveniences that in any part of the United Kingdom would flow from the imposition of such a tax. He certainly felt himself in an extraordinary position in resisting the proposal. It was admitted on all hands that it was an unjust and unequal tax, and yet they were asked to re-enact it for seven years longer, making in all eighteen years since it was first imposed, and that during a period of profound peace, and without any attempt to remove its glaring inequalities. They were told by the greatest authorities that it was a tax that ought only to be resorted to in times of the greatest emergency; and yet at a period when they were assured that the country was in a state of unexampled prosperity, and during a period of profound peace, they were asked to sanction its re-enactment. They were told that its re-enactment was temporary, that provision was made for its early renunciation, and yet they were asked to extend this expiring tax, in the last year of its existence, to a new class, and to a new country. He could understand that course if the tax was to be one of the permanent burdens of the country; but he could not understand it when the measure was said to be only of a temporary character. He (Mr. Butt) had said that the question was one of a perpetual income tax: if it were not meant to be permanent, what was the meaning of its extension? Why bring new classes within a tax which was gradually to expire? The two things were utterly inconsistent. He had heard, he confessed with surprise, the statement of the President of the Board of Control, that in this financial scheme certain provision was made for the remission of the income tax at the end of seven years. The possibility of its repeal in the scheme of the Chancellor of the Exchequer rested entirely upon calculations which might or might not be realised, but which it was going a little too far to designate as a certain provision. The calculation was—and he (Mr. Butt) earnestly asked the attention of the Committee to this—the calculation of the right hon. Gentleman was, that all the remissions of indirect taxation which he now proposed, would, within seven years, be made up to the revenue by the increased consumption of the articles on which the duties were reduced. On this alone he rested his hope of dispensing with this tax. It was of importance that this should be clearly understood. Unless this calculation were realised, the country at the end of seven years would not be in a position to dispense with the income tax. If that anticipation were erroneous, all the hopes so confidently held out of the gradual extinction of the income tax were mere delusion. He must ask the attention of the Committee to this calculation. He entirely agreed with the noble Lord the Member for King's Lynn (Viscount Jocelyn), that this question concerned the honour of Parliament and the honour of British statesmen. They had been from time to time going on renewing the income tax under the promise that it would be repealed. They had renewed it for periods of three years, and three years again, and each time promises were held out that the period for which it was asked, like the appearance of an actor, was positively its last appearance upon the stage of British finance. Did it not concern the honour of the nation, the honour of the British Parliament, that they should not be recurring to this everlasting cycle of obtaining the renewal of this tax under false pretences? They ought clearly to see their way to fulfil the promises they were holding out; and if they did not, he thought it would be much better for their honour and for the interests of the country that they should at once say that they would enact it as a permanent tax. In every discussion upon the injustice of the measure, they were met by its temporary character. If you pointed out the injustice of taxing alike the man of precarious income and the owner of landed estate, the answer was, that the tax was only imposed for a time. How was the case of Ireland met in this debate? When it was urged that you were imposing additional taxation upon that country, because the annual amount imposed exceeded the annual amount remitted, the answer was, that if you impose 460,000*l.* it is only for seven years—you remit the consolidated annuities, which are a burden for forty years. They were deciding questions as to the equity of taxation upon the faith that provision was made to enable Parliament to dispense with the income tax at the end of seven years. Upon this faith they were imposing the tax—upon this faith they were framing its provisions—upon this faith they were adjusting the distribution of their remissions and their imposts between countries and classes. Common honesty demanded that before they thus acted on these expectations, they should be satisfied that they rested on some reasonable data. Had they then any fair assurance that they were making such provision now for the public service that at the end of seven years the revenue raised from the income tax would not be needed? He (Mr. Butt) admitted that it was with great diffidence he dissented upon such a question from the right hon. Gentleman. Still he believed, as a Member of that House, if, after exercising the best of his judgment, he saw his way to a clear conviction in his own mind, he had no choice but to act upon that conviction: if he thought he could place the reasons of his own conclusions clearly before others, he felt persuaded that the House would judge of those reasons by their intrinsic weight, and not by the authority of the individual from whom they came. He (Mr. Butt) was bound to say, that on the calculations of the right hon. Gentleman, he could not see the slightest chance of their getting rid of the income tax at the end of seven years. Let them see what those calculations were. The Chancellor of the Exchequer proposed to remit 5,400,000*l.* of indirect taxation, and expected that sum to be made up within seven years by the increased consumption, so that the revenue yielded would be the same as it was now. What, then, were the taxes which they proposed to remit upon articles in which the reduction of duty was to be followed by so enormous an increase of consumption? Let them see the first loss of revenue which was to be made up. Of the taxes remitted there was more than 1,000,000*l.* for the soap duties. Now the soap duties were entirely abolished, and therefore they would bring nothing more to the revenue, no matter how much the consumption of soap might be increased. There were many other taxes of smaller amount producing very considerable revenue which were totally repealed, but he would not trouble the Committee by going through the list. Of course where the duties were wholly repealed, the principle of increased consumption had no application. But even when they were partially remitted, there were many instances in which no increase of consumption could follow the decrease of duty, and in which, therefore, they must calculate the full amount of the reduction as a loss. Take the item of attornies as an example. The right hon. Gentleman proposed to remit 50,000*l.* a year in the reduction of their annual licences. Would he seriously tell us that this was to be made up by the increased consumption of that valuable commodity? He might go through, in the same way, many other articles upon which the duty was reduced, without the possibility of a corresponding increase of consumption. And if they excluded the two great articles of soap and tea, and calculated the remaining articles on which the duty was either abolished or reduced, he did not think the most sanguine expectations of the Chancellor of the Exchequer would go beyond this—that upon all the other articles and items of taxation with which he dealt, there should be no loss to the revenue by the remissions he proposed. That was, calculating those upon which the duty was wholly repealed, and those upon which the duty was reduced without the possibility of compensation from increased consumption —that an increase of consumption on the residue would make up the loss of revenue upon all. Then, against the total remission upon soap and the partial reduction upon tea, they must look to the tea duties and the tea duties alone. He would ask the Committee was there any prospect that the reduction of the tea duties, as proposed by the Chancellor of the Exchequer, would produce such an increased consumption as would justify them in anticipating that not only would they be able to make up for the reduction of the duty on tea itself, but also make up for the 1,000,000*l.* and upwards that would be lost by the repeal of the soap duties? He thought he was dealing favourably with the Budget in supposing that all the other reductions and remissions of taxation would balance themselves, and that they need only look to the revenue from tea to replace itself and make good the loss of the duty on soap. Then the question of the tea duties stood thus. In the course of the next three years the right hon. Gentleman proposed to remit no less than 3,000,000*l.*, by the gradual reduction of the duty on tea from *2s. 2d.* to 1*s*. The consumption of tea in the year 1852 amounted to about 50,000,000 lb.; therefore, to make that duty replace itself the consumption of tea in the United Kingdom must be increased from 50,000,000lb. to upwards of 110,000,000 lb. But, even with that enormous increase they would still have upwards of 1,000,000*l.* sterling lost by the abolition of the soap duties, to make good; and, therefore, they must have a reasonable assurance that upwards of 130,000,000 lb. of tea must be consumed, giving about 5 lb. to each man, woman, and child in the United Kingdom. And if they did not see their way clear to this enormous increase of consumption within seven years, then it was one of the wildest expectations that even a Chancellor of the Exchequer had ever entertained—that the increase of revenue derived from a diminished duty would enable them to dispense with the income tax. He would not presume to set limits to the tea-drinking capacity of the British public; but still the question remained, even if the consumption increased to the quantity required, whether many other excisable and customable articles would not be displaced? The public must drink nearly three times as much tea this day seven years as they did now; and they must at the same time drink as much coffee, as much beer, as much wine, as much spirits, and use the same quantity of every other article that paid a duty to the State. This was the "certain provision" of the right hon. Baronet the Member for Halifax. He now confidently asked the Committee could any man tell him seriously that they could calculate on the repeal of the income tax in 1860? There was another argument that he thought might fairly be urged—namely, if they were about, as was said, to repeal the income tax, why should they now propose to extend its operation? The current of the Budget, as first formed by the right hon. Gentleman, was evidently to maintain it permanently. When the right hon. Gentleman wrote to a Birmingham clerk to answer him that he was in a better position at present than before the imposition of the income tax, he did not tell him positively that the income tax would be repealed in 1860, but only that it would be repealed, unless the wisdom of Parliament in the meantime should say that it ought to be continued. He (Mr. Butt) thought he had now established his proposition that if they voted for the increase of the income tax upon this occasion, they voted for it as a permanent instrument of taxation; and that the scheme of finance propounded in the Budget would leave them in 1860 in just the same relation to that tax that they occupied now. Of course Parliament might then repeal the income tax by substituting some other means of raising revenue; and so they might now. But he repeated, in the arrangements they were now asked to adopt, there was no provision for its extinction. The question between him and the Chancellor of the Exchequer lay in a narrow compass. It was in fact reduced to this: The right hon. Gentleman professed to ask for the income tax merely as a temporary substitute of the 5,400,000*l.* of taxation he was remitting, until by increased consumption on the articles on which the duties were remitted, the revenue would replace itself. This was virtually the office assigned to the income tax in the plans of the Finance Minister. The right hon. Gentleman calculated that the necessity for this would come in seven years. He (Mr. Butt) could not see any rational foundation for the hope that the remissions of duty now contemplated could be replaced in seven years. If they were not, there was no provision in this plan for the extinction of the income tax at the termination of that period. But it was proposed not only to perpetuate the income tax—to perpetuate it with all those inequalities which were only to be endured on the supposition that it was a temporary and occasional tax—but it was proposed to bring under its operation a new class. The policy of Mr. Pitt, when he proposed the income tax originally, had been to reserve it as a war tax. He did so upon the very ground that if you made it a portion of your permanent finance the country would not endure those inequalities, which yet were indispensable to its efficacy as an instrument of revenue. This had been the argument and the policy of Pitt; the very same had been the argument of the noble Lord the Member for London, in 1842. Nay, the very same argument had been virtually used by the Chancellor of the Exchequer now. The House would remember his remarkable appeal to them not to destroy the efficiency of this great engine of taxation for times of necessity, by attempting to correct its anomalies and its inequalities. This was the argument of Pitt reversed. Mr. Pitt said, "Do not apply it in time of peace, because if you do, you will be forced from the feeling of the country, by altering it, to impair its efficiency in time of war." The right hon. Gentleman asked them to impose it in time of peace, and in spite of the feeling of the country not to alter its provisions. He appealed to them not to destroy its efficiency. He (Mr. Butt) warned them that the true way to destroy its efficiency was to make it unpopular, by imposing it with all its inequalities in time of peace. The true effect of the right hon. Gentleman's argument was this—that it was a tax utterly unsuited to times of peace, and only to be used when the public exigencies would make every man overlook inequalities and anomalies, and more than this, when those exigencies justified us in resorting to the most efficient instruments of taxation, without stopping very nicely to weigh the equity of the distribution. Let the Committee try by this test, of the effect on popular feeling, the proposed extensions to new classes. They were asked now to impose it upon persons whose incomes ranged from 100*l.* to 150*l.* a year. This was extending it to a new community as completely as when they imposed it upon Ireland. It was imposing it upon the class in whose case all its evils would be most aggravated. If it was an oppressive tax, upon no class would it fall heavier than on this. If the tax was inquisitorial in its character, this was just the class that would cruelly feel the exposure of their position on the verge of competence. If it was objectionable on the ground of the temptation it held out to dishonesty, this was the class upon whom that temptation would most strongly press. The right hon. Gentleman calculated the proceeds of this extension at 250,000*l.* a year. To raise this sum, 100,000 persons must pay the tax on incomes under 150*l.* a year. They would teach 100,000 families to hate and curse the taxation which ought to be reserved for the time of national necessity unimpaired. To make this tax unpopular, was in itself a great evil. He hoped he would be excused for referring to observations that had been made in that House upon a former occasion. He presumed, indeed, that the most popular Motion that could be made in that House would be that *Hansard* should be burned by the hands of the common hangman. It was, however, in no spirit of reproach or unfriendliness that he quoted the remarks of the noble Lord opposite (Lord J. Russell) upon this subject on a former occasion. He was about to quote the observations of the noble Lord against himself. The noble Lord had on that occasion evinced prescient wisdom; and in 1842, when the proposition was made to impose the income tax, he had said, "Once put it on, and you will never get rid of it again." On the 8th of April, 1842, the noble Lord said—

> "Lay your tax upon—say windows or carriages, and you can take it off again. But once impose an income tax which is to produce you, as I imagine, 4,000,000*l.* a year—for I think the right hon. Gentleman has under-estimated the produce of his tax—you might be quite sure there will be no hurry, on the part of the Chancellor of the Exchequer, to take it off again. It is certain to be continued for three years—it appears highly probable that it may be continued for five years—nay, it seems not impossible that it may be continued for five or ten years afterwards. Therefore, what I should urge upon the House, in the first place, is, that this tax has hitherto been imposed only in a time of extreme necessity of the State, and during perilous wars, and has been taken off immediately upon the restoration of peace—that Parliament, when such a measure has been proposed, has not thought fit to accede to it in time of peace. I would also urge that this tax is accompanied with inequality of pressure, and inquisition into private affairs, making it, as Lord Althorp said, odious."—[3 *Hansard*, lxii. 98.]

The arguments he had urged against the continuance of the tax were, he acknowledged, some of them borrowed from a source from which no man need be ashamed to borrow—the speeches made by the noble Lord in 1842, when the proposition of an income tax was first submitted to that House. He feared that those arguments were divested of much of their force in his hands. But he must quote one other declaration of the noble Lord on the same occasion, in which he solemnly called upon the House of Commons to divide again and again upon every stage of the measure. To the Motion for the second reading of the Bill, the noble Lord moved as an Amendment the following Resolution:—

> "That the income tax, having been first imposed in a period of extreme emergency, and during a most perilous war, was repealed on the re-establishment of peace, and having been again imposed on the renewal of war, was again repealed in 1816, on the termination of hostilities. That, considering the various means of supplying the present deficiency, without enhancing the price of the necessaries of life, or embarrassing trade, it is the opinion of this House that the renewal of a tax inquisitorial in its character, unequal in its pressure, and which has hitherto been considered as the financial reserve of the nation in time of war, is not called for by public necessity, and is therefore not advisable."—[3 *Hansard*, lxii. 103.]

He would now ask the Committee, was the renewal of the income tax called for by any urgent necessity? It appeared to him that the arguments of the noble Lord were perfectly unanswerable. He asked the Committee to apply these warnings to the proposed extension of the income tax to this new class. They were about to bring it down to the struggling clerk, to the poor shopkeeper in country towns, to the better paid class of artisans. Did they think they could take in this large class of persons, who would most feel every one of the evils of the impost, and not make the tax unpopular? If war demanded national sacrifices, where were they to find the means of new taxation? Double their income tax, it might be said! If they had in peace taught their population to hate it, would this be endured? Was it wise, then, to incur the risk of its extension to a class who would spread the feelings of discontent among the populace? If they imposed this tax upon the poor struggling clerk with an income of 100*l.* per annum, the 2*l.* 1*s.* 8*d.* which he would have to pay would just make the difference of his being able to send his child to school or not. They were about to apply it with all its inequalities and injustice to a hundred thousand families who were by no means able to pay it, and who had been hitherto exempt; they were bringing it down, if not to the lower, at least into very close contact with the lower classes of the country. They were bringing it down to those struggling classes—and for what? For the sake of a sum of 250,000*l.* This was the extreme amount the Chancellor of the Exchequer calculated as the result of the extension. Well, let them look to some other items of the Budget. They were taking off a sum of 97,000*l.* per annum from the classes who could afford to keep more than one carriage—they were taking off 87,000*l.* per annum from the classes who were able to keep more servants than one—and they were taking off 50,000*l.* from the attornies. These three items of remission very nearly equalled the sum which they were about to extort from the struggling classes. Here there was no possibility of mistake. If they gave up these reductions, they did not want the sum they proposed to raise by lowering the area of the income tax. To make these reductions, they taxed the poor and struggling: they took taxation off the men who kept carriages, and men servants, and off attornies, and they placed it on the artisan and the struggling clerk—and this was their popular Budget! He now approached the question of Ireland. He repeated that if this was to be a permanent system of taxation, he should find the greatest difficulty in resisting its extension to Ireland. He would be glad to have an opportunity of getting rid of the cant of those who, like the hon. Gentleman the Member for the West Riding (Mr. Cobden), were constantly starting up in that House and saying of Irishmen, "You object to paying your just burdens." If they were to have the income tax as an Imperial tax, then he would ask the Committee to go fairly into the whole question of the financial relations of Ireland. He would ask them to consider what was its local taxation, and what share of the national debt Ireland in justice would be said to owe. Let them appoint a Committee to inquire into that subject, and he ventured to say that no man would come out of that Committee without the impression that Ireland was over-taxed. Still he (Mr. Butt) was ready, for one, to say that he had no objection to see men in his own station of life taxed, but then let him have some remission for the poorer classes. He did not sue for Ireland *in formâ pauperis;* but if men in Ireland, with incomes of 100*l.* or 150*l.* were to be subjected to income tax, he, for one, believed that they would not object to the burden, if they saw that it was to be made the means of affording relief to the poorer portion of their fellow-countrymen, or lightening the springs of the only industry left to them—their agriculture; but if it was to be imposed as an instrument of extorting from Ireland the means of relieving the taxpayers of England, he was ready to take all the odium and unpopularity, if any existed, of opposing the extension of the tax under such circumstances to Ireland. The argument was a plausible one, that the man with 100*l.* a year in Ireland was in the same position with the man who had the same income in England, and therefore an equally fit subject for taxation. But this was not true. The man of 400*l.* a year fallen from 600*l.* was not in the same position with a man who never had more than 400*l.* Almost every man in Ireland had his income reduced. The man with a falling income was not a fit subject for taxation. The plain truth should be told—that there was no man in Ireland, the professional man, the owner of an estate, except the mortgagee or the fundholder, who was not at this moment in the receipt of a reduced income as compared with his position ten years ago; and he asked, was it fair to choose this as the period at which they would extend this tax to such a class of struggling families, and compel them to expose their wounds, and disclose their impoverished condition? When a real necessity arose, he, for one, would cheerfully vote for Ireland contributing to the very utmost of her power; but he objected to an engine of war finance being used to carry out a crotchet of political economy, and to maintain a doubtful system of mercantile policy. Men were, after passing through a severe ordeal, struggling to maintain their position, not yet despairing of their own fortunes or those of their country, not yet reconciled to abandon all hope of the return of good times; and at a time when they had a claim to be treated with indulgence, the Chancellor of the Exchequer came forward and proposed to apply the income tax. He could assure the Committee that the people of Ireland would feel it now much more than they would have done ten years ago, or than they probably would ten years hence. These were just the circumstances under which the inquisitorial character of the tax would be most cruelly felt. There were many proprietors of estates in the west of Ireland who had been reduced to the greatest straits, and compelled to struggle against the severest privations, in order to avoid having their property brought into the Encumbered Estates Court, which had been charitably established for the Irish landed proprietors. There was one other topic to which he must advert. It had been estimated by the Chancellor of the Exchequer that the tax would produce in Ireland 460,000*l.* This was his calculation of the net produce after paying that unknown amount, the expenses of collection. But on what amount of income did he expect to levy it? The tax was to be at the same rate as in England, 7*d.* in the pound on incomes above 150*l.* a year, and 5*d.* in the pound above 100*l.* That might be taken as equal to an average rate of 6*d.* Now, at that rate, not less than 18,000,000*l.* of Irish income would have to be assessed, to yield the revenue calculated by the Chancellor of the Exchequer. And where would that be found? The whole rental of Ireland, in the best times, was calculated at 13,000,000*l.*; the whole value of it now was not more than 11,000,000*l.* This 11,000,000*l.* a year represented all incomes derived in any way from the land interest on money lent, annuities, mortgages, judgments, and incumbrances of every class. And had it been estimated how much of it belonged to absentees who paid the tax in England, or parties who had lent money in England on land in Ireland? The dividends on funded property in Ireland liable to the tax would not amount to more than 1,000,000*l.* Where was the rest of the 18,000,000*l.* to be found? They must remember that the entire 11,000,000*l.* would not pay the tax. Besides the deduction for that which already paid the tax in England, that 11,000,000*l.* represented to a great extent incomes under 100*l.* a year, which would be exempt. There only remained the tax on tenants paying 300*l.* a year rent. How many of these were there—official salaries and the profits of trades and professions? Where was Ireland's trade? As to professional incomes in Ireland, every one knew how they had fallen; and as to the idea of obtaining income tax from 18,000,000*l.* in that country, it was a delusion and a dream. Well, then, what became of the Chancellor of the Exchequer's surplus? In England, again, the poor-rate did not affect the incomes derived from land. But in Ireland one-half of the poor-rate was to be deducted. Last year the poor-rate was upwards of 1,000,000*l.* In some districts it was at the rate of 12*s.* in the pound. Here he would correct a misrepresentation of the hon. Member for Kidderminster (Mr. Lowe) with respect to what had been said on Friday by the hon. Member for Belfast (Mr. Cairns), as if his hon. Friend had argued Irishmen were averse to pay their debts to the Treasury; on the contrary, Chancellors of the Exchequer had testified to their punctuality in so doing. But it was difficult to extract more than 20*s.* from the pound; and yet that was what literally was attempted in some districts in Ireland, where the local taxation, including these consolidated annuities, imposed a charge of 25*s.* in the pound upon the land. What the hon. Member for Belfast had said, was, that there was a fallacy in assuming that, if the annuities were not remitted they would be paid—that there could be no security for their payment from the simple fact that they were to be paid by districts in which the local burdens often exceeded in amount the value of the fee-simple of the land. Had the case of Ireland, then, been fairly considered in this Budget? Take the case of the clergy of the Established Church. Put the case of a clergyman whose living was 400*l.* a year, and who had a rate of 10*s.* in the pound, so that his income was reduced to 200*l.* Was the income tax to be levied on the whole or on the half? So as to the Roman Catholic clergy, whose incomes were reduced by the emigration of their flocks? Had all these things been considered by the Chancellor of the Exchequer in imposing the income tax on Ireland? In addition to the income tax, too, there was to be a duty upon successions imposed upon the landed gentry. Was the succession duty to be deducted from the income, or what duty was to be paid? When the Chancellor of the Exchequer told him that the income tax in Ireland would produce 460,000*l.*, he (Mr. Butt) could only say that he earnestly hoped his anticipations might be realised. An income tax had at least this peculiarity, that every one would wish, either for himself or his country, that his liability to it might be large; the more every one paid the better would he be pleased; but when the right hon. Gentleman calculated that incomes over 100*l.* a year amounted in Ireland to 18,000,000*l.*, he was bound to say that there was no one really acquainted with the country who did not consider the estimate a very exaggerated one. The Committee would observe he had in this calculation made no allowance for the expense of collection, and no allowance for losses by fraud and evasion of the tax. His estimate was a low one when he said that to bring into the Exchequer 460,000*l.* you must at least have 18,000,000*l.* of income liable to the tax. He would now request the permission of the Committee very briefly to refer to the general question of the Budget, so far as it was involved in the consideration of the question immediately before the House. What was the financial scheme for which the country was called on to make these sacrifices, heretofore demanded only in time of war? Was it to place their finances on a satisfactory basis? After the country had made all these sacrifices, the right hon. Gentleman estimated his surplus for the next year at only 480,000*l.* He (Mr. Butt) would venture to question the accuracy of the calculations on which that surplus rested. Those calculations rested on two estimates: first, the estimate of the probable produce of the newly-imposed taxes; secondly, of the extent to which within the year increased consumpton would make up for diminished duties. But, first, let him call attention to one remarkable circumstance connected with this estimated surplus. He remembered that the right hon. Gentleman the Chancellor of the Exchequer had been in the habit of declaiming a good deal upon the importance of having a surplus arising wholly from the revenue of the year. But the surplus of 480,000*l.* was not all derived from the income of the year, for 200,000*l.* of it was money repaid on account of metropolitan improvements. And after the indignant denunciations which the right hon. Gentleman had lavished on the Budget of the late Chancellor of the Exchequer (Mr. Disraeli) for proposing a surplus not arising out of the income of the current year, he (Mr. Butt) was surprised to see the right hon. Gentleman proposing a Budget liable to the same objection. Then the right hon. Gentleman had calculated on a saving of 100,000*l.* a year from his new operations in the interest of the national debt. He (Mr. Butt) would not now stop to inquire whether those operations would certainly be successful; but he might remind the Committee that since his financial statement the Chancellor of the Exchequer had consented that a very considerable portion of those savings, amounting, as he (Mr. Butt) calculated, to 60,000*l.* a year—if the plan were successful—should be applied, not to the purposes of the year, but to form a sinking fund to liquidate the principal of the debt. Here, then, was a deduction from that surplus which the right hon. Gentleman had emphatically declared to be the very least which was consistent with prudence. But, he asked, were the estimates, on which the residue of the surplus depended, perfectly satisfactory? First, as to the amount to be realised from new taxation. He had already endeavoured to show that the amount to be expected from the Irish income tax was much less than that estimated by the Chancellor of the Exchequer. If he rightly understood the calculations of the Chancellor of the Exchequer, in estimating the amount to be raised by the increased duty on Irish and Scottish spirits, he had made no allowance for the diminished consumption consequent on the increase of duty, but had calculated that the same number of gallons would continue to pay the higher duty as now paid duty. If this were so, he feared he had already established deductions from the calculation under which the estimated surplus would wholly disappear. Upon the other part of the estimate—that relating to the compensation for reductions by increased consumption, he could only venture to detain the Committee by adverting to one item. The Chancellor of the Exchequer had proposed to remit duties which, on the present consumption of tea, would amount to a loss of 600,000*l.*; but he calculated that, within the year, this loss would be diminished by increased consumption to 300,000*l.* Unquestionably the additional consumption required to yield a revenue of 300,000*l.*, bore no very extravagant proportion to the present amount consumed. Yet he could not forget that the Chancellor of the Exchequer had told them that within the first year they could not look from China for any considerable increase of supply. It was also the opinion of those best acquainted with the subject, that as it was proved that the greatest quantity of tea was sold to consumers in quantities not greater than half an ounce, no diminution of duty would tell sensibly on the consumption, which was not large enough to be felt in the price of the half-ounce. He owed the Committee many apologies for having trespassed so long upon their time; but he confessed he had been anxious by reasonable arguments to show the Committee that Irish Gentlemen might oppose the Budget upon other grounds than those which had been so lavishly, he could not say liberally, imputed to them. He trusted the Committee would permit him before he sat down to turn a moment from the Budget, to settle, or at least place in course of settlement, a little separate quarrel with the hon. Member for the West Riding (Mr. Cobden). That hon. Gentleman, declaiming against declamation, and lecturing them on the necessity of adhering to this subject, had thought proper, of all subjects on earth, to indulge in a fierce attack upon the Irish Members, on the recent decision of the House upon Kilmainham Hospital. The hon. Member had said that this institution was a nest of jobbing; and when interrupted by the cries of Irish Members, he said he knew all about it, for that he had served on the Committee where he heard of the jobbing. Now, this matter he (Mr. Butt) would bring to an issue in a few words. He asserted that there was not one particle of foundation for the statement. He broadly asserted that the hon. Member for the West Riding was utterly mistaken in supposing that he had heard in that Committee one syllable of evidence establishing any abuse in Kilmainham Hospital. In a few days a vote would be taken for Kilmainham Hospital, in the miscellaneous estimates. Upon that occasion he called on the hon. Member either to verify his statement, by a reference to the evidence, or else to acknowledge the mistake into which he had fallen. It was not he (Mr. Butt) who had dragged this subject into this discussion; but he could not permit unfounded statements to pass unanswered, because they were irrelevant to the debate. Upon the question on which he was called on to exercise the high privilege and assume the deep responsibility of voting, he could sincerely say that he had endeavoured to form a judgment, not as a delegate of any local or provincial interest, but as bound to consult those of the Empire at large. He had come to the conclusion, with reference to those interests, that he ought to vote for the Resolution of the hon. Baronet—whether he understood that vote as one against the renewal of the income tax, or as a vote against the Budget as a whole. He admitted that the Ministerial scheme of finance was supported by men from whose authority he must distrust his own judgment in dissenting. Nay! injurious and unjust as he believed that scheme to be to

Ireland, he yet saw it supported by Irish representatives, as capable of forming a judgment as he was, and whose motives, he said frankly, were far above suspicion. The vote which he was about to give might be a mistaken one; it was at least the result of an earnest effort to arrive at a right conclusion: and the opinion which he had deliberately formed he would unhesitatingly support by his vote.

MR. SERJEANT MURPHY said, he must express the reluctance he felt on rising to address the Committee on a subject of finance; but the peculiar situation in which he stood as about to give a vote in opposition to that of his hon. Colleague (Mr. Fagan) rendered it necessary that he should offer some explanation as to the grounds on which he intended to support the Government. The real question which in his opinion they had to consider was, whether there was any reason to induce them to suppose that the present was the only Government which sought to impose the income tax upon Ireland, and whether they might not conclude that another Government, if placed in a similar position, would not have done the same as the present. The hon. and learned Member for East Suffolk (Sir F. Kelly) maintained that it would be a great hardship to apply this income tax to Ireland under present circumstances; but he begged to remind the hon. and learned Gentleman that the right hon. Gentleman opposite, the late Chancellor of the Exchequer, had proposed to extend the income tax to certain classes in Ireland, namely, to the fundholders, and to persons in receipt of salaries. Nor was this the first occasion on which a proposition had been made to extend the tax to Ireland, for in the year 1848 a proposition had been brought forward by the hon. Baronet the Member for Marylebone (Sir B. Hall) to extend it to Ireland; and the right hon. Gentleman the late Chancellor of the Exchequer had voted with him in that division. He was therefore justified in saying that it was not the present Ministry alone that sought to impose the income tax upon Ireland. If this were so, he saw no reason why, in May, 1853, he should endeavour to turn out the Government which he had assisted by his vote to bring into office in December, 1852. He did not regard this proposition merely as a matter of finance, for he thought they ought to look beyond the system of taxation. They ought to look to a future system of good government for the great mass of the community; and being convinced that it was essential to the well-being of Ireland (he made the observation in no feeling of want of respect for hon. Gentlemen opposite), that its affairs, in order to be usefully administered, should be administered by those who were now in the possession of power, and having no predilection for an income tax, but believing it to be sooner or later inevitable, he was more willing to accept it from the hands of those with whom he had been in the habit of acting than from their opponents. The hon. and learned Member for Youghal (Mr. I. Butt) had said that one of his objections to applying the income tax to Ireland was, that it was to be a permanent tax. In this opinion he (Mr. Serjeant Murphy) did not agree, as he had formed a conclusion directly opposite to that of the hon. and learned Gentleman. They had received the assurance of the Chancellor of the Exchequer that there was a fund which could be made available for the remission of the tax at the expiration of seven years; but, in addition to this, the fact of extending the tax to persons who had only 100*l.* per annum, and also extending it to Ireland, furnished the best guarantee for compelling the Chancellor of the Exchequer, or whatever Chancellor of the Exchequer might be in office, to extinguish the tax at the end of seven years. If he were asked on the present occasion, why he accepted the income tax from the Government now in office, his answer was, that the present Government offered something to Ireland which he thought was a considerable boon. The remission of the consolidated annuities was, in his judgment, a very important boon. The hon. and learned Gentleman the Member for Youghal had said that they were so heavy in some parts of Ireland that they exceeded the fee-simple of the land. If this were really so—and the hon. and learned Gentleman seemed to speak as if he had made inquiry—the extinction of the consolidated annuities could not be regarded in any other light than that of a relief, and a substantial relief. The hon. Gentleman the Member for Belfast (Mr. Cairns) had also said that it was unjust to call upon Belfast to pay the income tax, because it had already paid its fair share of the consolidated annuities; but that if the whole of Ireland were compelled to pay the annuities, and that the income tax were extended to Ireland, Belfast would not refuse to pay it. Now, if this was the opinion of hon. Gentlemen opposite, was he (Mr. Serjeant Murphy) not justified in coming to the conclusion, that, if their friends were in office, they would not feel disposed to remit these annuities? He believed that the extinction of the annuities would be considered a most important boon, and that the benefit of it would be especially felt in the agricultural districts. He looked upon the question of the income tax as affecting the whole of Ireland, and he considered it was the duty of every person who was sent to that House as her representative not to view it with respect to his own isolated case of locality, but to look to its general application to the country. It was not in the agricultural districts of Ireland alone that the effect of this measure would be felt, but in the towns also. It was well known that the effects of the famine in the agricultural districts reacted upon the towns, and that they suffered to an equal extent by the stagnation of business. Therefore he concluded that that which was beneficial for the country at large, and that remission which would render the rural districts prosperous, would react advantageously upon the towns. It should not be forgotten, moreover, that Ireland ever since the enactment of the income tax, had been enjoying the benefits of free trade. Ireland was also about to derive further benefit from the remission of the tax on tea, the consumption of which, he was told, had enormously increased in Ireland in consequence of the temperance movement, and in many cases was made an actual substitute for whisky. All these were reasons which led him to the conclusion that he was justified in acting with the Government which proposed to impose this income tax on Ireland. Believing, as he did, that the Ministry would have a majority on this occasion, he might, deeming one vote more or less of no great importance, have kept himself aloof, and thereby have gained a little popularity; but he thought it more in accordance with his duty as a representative of the people, if he were convinced that the income tax must inevitably be imposed on Ireland, to accept it from a Government of which he approved.

Mr. CONOLLY said, the hon. Member for the Tower Hamlets (Sir W. Clay) had made an appeal to Irish Members, to which he had listened with attention, and should not lose sight of. He would speak of what must be of paramount importance to Ireland—the way the question affected Ireland. The hon. Gentleman opposite had fallen into a fallacy in arguing the question as a question of equality of taxation. If there was to be equality of taxation the equality should have been established in the first instance. Was Ireland in civilisation, wealth, or improvements, on an equality with England? Not even an Irish Member would be bold enough to assert that this was the case. He could not help thinking, from the speeches that had been made on the other side, that there was a strong anti-Irish feeling in that House. He would read from one of the publications of the day what was thought and said of Irish Members. [The hon. Member here read an extract from some paper which he did not name, which stated that Irish Members, on questions regarding Irish taxation, raised a "howl" in concert, and that Irishmen were not willing to bear their fair share of taxation.] This, he was afraid, was a picture of the feelings of that House. He contended that, on its own merits alone, the income tax ought not to be applied to Ireland. Ireland ought to bear only her fair share of taxation, and not one farthing more. The income tax ought not to be applied to Ireland, simply on the merits of the case, for he disclaimed any idea of asking for any boon from England. At the time of the Union Lord Castlereagh laid down the principle that Ireland should bear her fair share of taxation, and he was ready to admit that Ireland should bear her due proportion relatively to her capabilities of sustaining public burdens, but not one farthing more. Adam Smith said that the subjects of a State ought to contribute towards the expenses of the Government, as far as possible, in proportion to their respective abilities; that was, in proportion to the revenue which they respectively enjoyed under the protection of the State. During his tenure of office, Sir Robert Peel showed his recognition of this principle by exempting Ireland from the income tax. Statistics would show that that country already paid her full share of taxation, and that the claim for any greater amount was devoid of justice. The gross income of Ireland was calculated at 20,000,000*l.* a year, whereas the gross income of Great Britain, according to the authority of the right hon. Baronet the Member for Halifax (Sir C. Wood), then Chancellor of the Exchequer, was stated at 250,000,000*l.* He took that to be the proportion which the taxation of Ireland ought to bear to that of Great Britain, or about 1 to 12½. The gross revenue of the Empire was 52,000,000*l.*, of which Great Britain contributed 47,840,00*l.* and Ireland 4,160,000*l.* Now, the net produce of the Irish revenue, on an average of ten years, from 1835 to 1844, was 4,164,000*l.*, so that Ireland had been paying a small amount above her quota, in proportion to her gross annual income. And yet it was now proposed to violate the Union compact by materially adding to the burdens of Ireland, and thus destroying that relative proportion which ought to exist. He brought forward his figures to prove that Ireland was not open to the censure so freely bestowed upon her by Members opposite, of being unwilling to bear her fair share of taxation. With respect to the debt incurred by Ireland, and fastened upon Ireland against the wishes and remonstrances of her representatives, it was an ungenerous thing to come down to that House and taunt Irish Members with this, that if they did not accept the income tax the debt should be enforced. Talk of the conduct of Irish landlords—why, was not such a proceeding similar in principle? It was impossible to find a more ungenerous use of an argument, and that, too, made by the stronger to the weaker. He asserted that it would not be equivalent to put on the income tax on condition of relieving Ireland from the consolidated annuity debt, The same parties would not have to pay. It was unjust to say to one set of persons. "We will take off a debt from your shoulders;" and to another, "Because we take off this debt from a particular class, we will put the income tax upon your shoulders." Where was the justice of this? The landlords of Limerick, Galway, and other parts of Ireland, would be benefited; but the hardworking people of the north of Ireland would have to pay. He would say, advisedly, that the charge for the consolidated annuities was a false charge; and if Government at the time knew that the money, when advanced, was to be spent unproductively, they could not, on any principle of justice, claim it again. If such a proposition had been made either in Scotland, or England, it would have been universally resisted. The rateable value of property in Ireland had been very much depressed within the last few years; and in the present circumstances of the country, the extension of the income tax would entail great hardship on Ireland.

MR. ROCHE said, he did not admire the income tax in itself, and felt sure it must be very uncomfortable to have to pay it; but he did not agree with hon. Gentlemen opposite, who said it was the most unjust and unequal tax that was ever imposed. He believed there were many more unjust and unequal taxes, and, indeed, almost all indirect taxes, especially those paid on articles consumed by the great body of the people. All taxes were to a certain extent unjust and unequal; and taxes on the necessaries of life, such as sugar, tea, and tobacco, were most unjust and unequal in their pressure on the poor working man. So far, therefore, hon. Gentlemen who argued against the income tax argued against right and justice. The proposal to extend this tax to Ireland was resisted by Gentlemen opposite on two grounds: first, that of the amount of Irish taxation relatively to Irish resources; and, second, that of practical and local circumstances. As far as regarded the general grounds, namely, the inequality of taxation between the two countries, he believed there was no such great injustice as was supposed. The hon. Member for Mayo (Mr. G. H. Moore) calculated the amount which would be paid annually at 350,000*l.*, which in seven years would be 2,450,000*l.* He would ask what became of the half of that famine loan already remitted to Ireland? No less than from 5,000,000*l.* to 6,000,000*l.* had already been remitted, and with the half now proposed to be remitted, he believed in 1860 there would be no balance against Ireland upon carrying out the present proposal. It was said the half already remitted was money spent for Imperial purposes; but they could not blow hot and cold on the same subject—they could not keep a separate account when carrying things to the credit, and a common account when carrying things to the debit—and he believed, when fairly reckoned, the balance would be much in favour of Ireland, by carrying out the scheme of the right hon. Chancellor of the Exchequer. Hon. Gentlemen opposite said they would stand by the 7th Article of the Union; but they must, in justice, stand by it as a whole. They must wait until the powers of the two countries had been ascertained in the only possible way, by the imposition of an income tax, and then they might make a new arrangement, if a new arrangement were deemed necessary. But how stood the case if those Gentlemen would, to use a Scotch phrase, condescend to particulars? Acute and clever men might oppose the proposition on general grounds; but how any one could contend that it would press injuriously upon the people of Ireland really surpassed his imagination. The hon. Member for Mayo said this question of the annuities was a landlord's question, that it was a tax paid by the landlords, that the tenants had nothing to do with it; and the hon. Member for Meath (Mr. Lucas) cheered concurrence in those sentiments. Those hon. Members professed great sympathy for the tenant-farmers; but he challenged them to deny that these annuities were positively and really paid by the tenants. The powers which the law gave the tenant to deduct half of those and of other payments were merely nominal, because when he went to the agent he was presented with a small account of arrears, which effectually settled the question. In Mayo this charge was 1*s.* 1½*d.* in the pound, if not more; and in many Unions in the county of Cork it was as much as 1*s.* 6*d.* in the pound, and yet the hon. Member for Mayo ventured to predict that those who supported this proposition, and consequently relieved the people of those districts from so heavy a charge, would shake in their shoes when again seeking the votes of their constituents. To go from Mayo to his own county (Roscommon), though the annuities were not so high there, he felt that he would be doing his constituents an injustice if he were to refuse to relieve them from so great a pressure. He hoped and believed that the right hon. the Chancellor of the Exchequer would agree to assess the income tax in Ireland on the same principle as in Scotland, namely, exempting all renting under 300*l.* a year, and only assessing them at 100*l.* a year for 300*l.* a year rental. If that was done—and he submitted it was only just to do so—he believed no tenant-farmer in Ireland would ever pay a single farthing to the income tax, whilst they would be relieved altogether from these annuities. Taking the case of the shopkeeper earning 150*l.* a year, it was fair to assume he lived in a house valued at 40*l.* a year. The difference by the exchange of the income tax for the annuities would apparently be 1*l.* 12*s.* 6*d.* a year; but he would save on his tea, on his stamps, and on his soap, although soap paid no tax in Ireland. ["Hear, hear!"] Soap, he contended, would be cheaper in Ireland, because if they removed the tax from the soap producers in England, they would bring into the markets of Ireland competitors against the Irish soap manufacturers, and the consequence would be, that the Irish consumer would have his soap at a cheaper rate. He (Mr. Roche) believed, indeed, that at the end of the year the Irish shopkeepers would find themselves gainers by the present Budget. He thought he was not at all over-estimating the advantages of the financial scheme in asserting that, instead of a loss of 1*l.* 12*s.* 6*d.* a year, the shopkeeper would gain at least 5*l.* in the way he had stated. It was objected that they were going to tax the mercantile classes in Ireland. But why, and under what circumstances? Really and truly they were going to tax the mercantile classes to meet the expenditure during the famine in Ireland, and what were the millers and merchants doing during that period? They were amassing large fortunes by importing corn into that country, and he did not begrudge them their fortunes; but he asked them to bear a small share of the taxation which now fell so heavily upon the land. The merchants of Belfast were protesting against the proposed taxation; but the landed proprietors and farmers of the south of Ireland sold their produce, not to the merchants of Belfast, but to the merchants and manufacturers of Liverpool and Manchester. Why, then, should they be ready to tax the merchants of the north of England, while they let the merchants of Belfast, with whom they had no connexion, go free? He (Mr. Roche) was himself engaged in the production of flax, which he sent to London and Liverpool for sale. Now, the company at Cork who conveyed the flax to London charged him 30*s.* a ton freight, and his only remedy was to get the shipowners of London or Liverpool to compete with that company. He was asked, however, not to tax the shipping company of Cork, while he consented to tax the shipowners of London and Liverpool. That, he thought, was very like cutting a switch to lay about his own shoulders. He did not believe that the Budget, as had been asserted in some quarters, could be injurious to the interests of Ireland. But taking the question upon the figures of the hon. Member for Mayo (Mr. G. H. Moore), and admitting, for the sake of argument, that Ireland would pay 350,000*l.* a year, he said it was well worth while to make that sacrifice to obtain not only equality of taxation, but identity of legislation with this country. The representatives of Ireland had been trying to achieve that object for many years, and how was it they were no nearer to it? Because they were not able to speak home to the feelings of the people of England. While there were many details in the income tax which he should be prepared to go into when the proper time came, such as the mode of assessment being made identical with the mode of assessment in Scotland, and all clergymen being exempted, which was desirable for many obvious reasons, he should give the Budget his undivided support, because he believed it to be a Budget for the shopkeepers, for the farmers, for the artisans, and a Budget which, heart and soul, he believed to be for the benefit of the people of Ireland.

Mr. DISRAELI: Although Sir, I believe there are several Gentlemen, Members for Ireland, who wish to address you, and are desirous, and I have no doubt capable, of answering the hon. Gentleman who has just spoken, still, as this debate has passed over a whole week, and as, perhaps, it is not presumptuous in me to take some part in the discussion, I think the time is come when I should express the opinions of some English Members on the question before us. And whether we divide to-night or not—and I hope we may divide to-night—it should be clearly understood that there will be many occasions on which hon. Gentlemen may offer their opinions on this subject, for at present we are only upon the threshold of the debate. Under these circumstances, Sir, I shall take the liberty of offering some observations to the Committee. After giving to the Budget of the Chancellor of the Exchequer all the consideration that so considerable a proposition deserves, I am bound to state that, to the general principles on which his financial policy is formed, I must give my entire approbation. I say that in no spirit of affected candour, and with no wish to obtain credit for a magnanimity which is not required by the occasion; but I say it because I find the principles on which he has formed his policy are identical with the principles which, only four months ago, on two occasions, on the other side of the table, I endeavoured to impress on the consideration of this House. Sir, I said, then, as the organ of the Government, that I thought the time had arrived when it was necessary to assimilate our financial policy to our new commercial system. [Lord J. Russell, Hear, hear!] I do not know who it was said "Hear, hear;" I think it was the noble Lord (Lord J. Russell); but I remember that the noble Lord, four months since, when I gave expression to these opinions instead of crying "Hear, hear," rose in a spirit certainly of incredulity, if not of ridicule, and spoke of the idea of assimilating our financial policy to our new commercial policy as an absurdity, and a wild conception which could have nothing to do with the practical affairs of England. I said then, that in order to assimilate our financial policy to our new commercial system, we must make up our minds to commence and complete an entire revision of our taxation. Will the noble Lord say "Hear, hear," to that? Because I recollect when I made the observation only four short months ago, the noble Lord said it was most ridiculous to enforce a complete revision of our taxation; that our taxation had been revised more than once; that anything like a formal revision of our taxation was altogether unnecessary, and out of the question; that all we could do was to let the principles which had been established with respect to our finance operate in a natural manner; and that any proposal to have a formal or complete revision of taxation was one of those phrases which could never influence the affairs of the world. I am extremely glad, therefore, to find that the noble Lord on this subject has somewhat changed his opinions, and is so ready to encourage me at the commencement of my observations. But, Sir, it is not merely the noble Lord who entertained this opinion. We had a very able speech delivered to-night, when the House unfortunately was not so full as it has since become—a speech from a Member of the Administration, a Secretary of a Board, and I believe a Secretary of a Board because he did make a speech against the last Budget. What did that hon. Gentleman say? The hon. Gentleman, now Secretary for the Board of Control, saw no case made out for this remission of taxation in December last.

> "All they had to do," he said, "was to continue going on as they had gone on hitherto—"

["Hear, hear!"] We shall hear several more of these assenting cheers before we have done—

> "and that when the surplus should be disposed of by their making still further remissions of taxation, on the same principle as those remissions had been made which led to the wonderful extension of trade, commerce, and increasing revenue which all acknowledged, they would then have done all that a wise Government and a prudent Legislature could do under the circumstances."—[3 *Hansard*, cxxiii. 1349.]

Now, Sir, remember that these words, for I may recur to them again, are taken from the speech of the hon. Member for Kidderminster (Mr. Lowe). The hon. Member for Kidderminster has spoken to-night, mind you. The hon. Member has spoken, unfortunately in the absence of many who are listening to me now, and he spoke in a very different spirit to this extract and others that I might call to his recollection. Recollect, that while I said it was absolutely necessary to assimilate our financial system to our new commercial system, and that that could only be effected by a complete revision of our taxation, I said also that there were two things which a Chancellor of the Exchequer, under the circumstances, could not refrain from doing, and without having recourse to which this great object could not be obtained. And what were those two things? The one was that he was not to shrink from the proposal of new taxes in order to carry out his system—the other was, that it was absolutely necessary that he should not bound his observations to the horizon of the present year, but that he must attempt to regulate the financial operations of a longer term. And how were these propositions received by the noble Lord and his Colleagues? Why, no language can express the reprobation with which the heretical idea was received, that a Chancellor of the Exchequer might feel it his duty to create a deficiency, and to supply the vacuum by the proposition of a new tax. That indignation was not confined to the hon. Secretary to the Board of Control, who was then for standing upon the ancient ways; for what said the right hon. Member for the University of Cambridge (Mr. Goulburn), that high authority? He described to the House the very unorthodox manner in which it was then proposed that the revenues of this country should be administered. He said—

> "Mark how different was the basis on which this and former Governments proceeded. They proceeded on the basis of having first secured by a skilful management of the receipts and expenditure of the country a large available balance, out of which they could afford to make reductions. They did not, in the first place, create a deficiency and then call upon Parliament to make it by fresh taxation."—[3 *Hansard*, cxxiii. 1403.]

Well, and what were the feelings of the present Chancellor of the Exchequer upon the subject? I do not know whether the right hon. Gentleman is in the House or not, but I should be sorry to make any comments on him in his absence. The right hon. Gentleman seemed to be struck with sudden horror at my proposition. He said, speaking of me, almost in a tone of derision, "He is going to impose one tax in order to repeal another tax. Now that is a most uncommon proceeding on the part of a Chancellor of the Exchequer." But, great as was the indignation of the Members of the present Government, because I had recourse to the first method which was necessary to carry out my policy—namely, that I should create a deficiency and supply it by new taxation—their indignation was still greater that I should prepresume to anticipate the management of our finances to a period more advanced than the termination of the current financial year. I must quote on this subject again the words of the hon. Member for Kidderminster (Mr. Lowe), because, as he has shown us to-night, he is not only an hon. Member, but a very highminded Member; he has shown us that he is one of those who never will sacrifice anything for ephemeral popularity; that he is not a man who will to-day say one thing and to-morrow just the reverse, to gain a temporary popularity. Listen then to the words of the hon. Member for Kidderminister. I quote his speech, because it was a single speech till to-night, and because it was a speech which received a memorable reward. I said that to carry into effect a complete revision of our financial system, it was necessary to have recourse to two proceedings; the first was to create a deficiency by the remission of taxes, which could only be supplied by the imposition of others. That I have treated of. The other was that a Chancellor of the Exchequer engaged in such an enterprise must not shrink from attempting to deal with more than the current financial year. That was my proposition; but that was not the opinion of the hon. Member for Kidderminster. He said—

> "The right hon. Gentleman" [my humble self] "had given them two Budgets to consider; one for 1853, the other for 1854. The wisest man would have enough to do in attempting to arrive at a correct view of the financial condition of a great country, even for a single year."

But now we have a Budget for seven years; and not content with this, not content with regulating our commercial arrangements and taxes for that time, they are entering upon financial operations that fix the rate of interest for nearly half a century. Really, for statesmen who will not say one thing to-day, and another to-morrow, to win an ephemeral popularity, for men who will not sacrifice their opinions for an object of such a character, I think this is rather a troublesome contrast to have occurred within the space of four months, the only difference in the circumstances of the case being that the hon. Member for Kidderminster of four months ago is now the

Secretary of the Board of Control. The hon. Gentleman will excuse these frank comments. I do not make these quotations to taunt the hon. Gentleman and his friends; but I think I have a right to make them to vindicate the course I myself took on the occasion to which they refer. And now, Sir, having given my approbation of the general principles on which the financial scheme of the Chancellor of the Exchequer is founded—because, as I before observed, it is in fact the identical process by which I myself attempted—["Hear, hear!"]—the process, I say, is the same, though the application of the principles may be different;—I come, then, to see whether I can give the same approbation to the application of these principles; and I will approach, first, the consideration of the first proposition before the Committee, to which an Amendment has been moved by the hon. Member for Hertfordshire (Sir B. Lytton). I come to the proposition for the continuance of the income tax. The right hon. Gentleman the Chancellor of the Exchequer proposes we should continue this tax for the term of seven years. It is a tax that has never, in our time, been proposed for a period of that duration. Irrespective, then, of all other considerations, I will now advert to the recommendations of the right hon. Gentleman as to this tax merely with regard to the term of it. The right hon. Gentleman objects to provisional Budgets; he objects to the finances being in a condition which is not established and confirmed, and he does not think that any item of our finances should be of a temporary and doubtful character. There is a great authority just published which seems to express the same opinion. This is from the leading article in the *Economist* newspaper:—

> "The Budget—its Great Political Features:"—"Nothing could be more disgraceful to a great nation, nor injurious to its best interests, than to permit its financial condition to be exposed to the serious uncertainty which has prevailed in this country, at least since the expiry of the Income Tax Act in 1851. Since then more than 5,000,000*l.* of the necessary income of the country has been subject to an annual vote." . . . .
> "The great advantage of Mr. Gladstone's Budget is, that it will settle for a period of seven years all these unseemly and damaging disputes."

This, then, is the great political feature of the Budget, to terminate the dangerous and pernicious system by which so large a portion of our income as 5,000,000*l.* is dependent on an annual vote of this House. What new lights break upon us! Perhaps I may remind the Committee—although I confess that until I heard the Chancellor of the Exchequer, and read this authority, I should have thought it unnecessary to do so—that at no very remote period—no longer ago, indeed, than when I first entered this Assembly, a large amount of the annual revenue was always under the control of Parliament, and subject to an annual vote. But what is more extraordinary still, this state of things was held by high constitutional authorities to be one of the securities of the rights and liberties of the people. The system was then highly valued by all Gentlemen professing liberal opinions, not only as the safeguard of popular rights and liberties, but also as the best security for an economical administration of the finances. The sugar duties were voted annually, in order that Parliament might have a control over the annual revenue of the country. In amount, too, the sugar duties were little less than the income tax, which we are now discussing. Why, it was only at a very recent period that the Minister of the day, having to deal with the sugar duties, took the opportunity of appealing to the House, on account of the question of slavery, to concede that those duties should no longer be dependent on an annual vote, and entered into a compact with the House to substitute for the amount secured by those duties an equal sum, to be subject to an annual vote of the House. Who was that Minister? The Committee shall hear. On the 20th of July, 1846, the House resolved itself into a Committee of Ways and Means, like the present, and the noble Lord the Member for the City of London (Lord J. Russell) spoke in these words:—

> "I do not propose to vary in any respect the constitutional practice of leaving a large, a considerable, amount of revenue dependent on a yearly vote of this House, as hitherto has been the case. I shall therefore propose some other source of revenue, which I will state before these Resolutions are formed into the shape of a Bill, to be yearly income, and for which, previous to the 5th of July, the Minister of the Crown shall every year be obliged to ask the consent of Parliament. I think that it would be unfortunate that the duties on sugar should be made the annual subject of debate, and, without departing from a constitutional practice, I shall endeavour to find some other duty, which it will be less objectionable to take as an annual vote."—[3 *Hansard*, lxxxvii. 1323.]

The noble Lord, who will probably follow me in debate, will, perhaps, avail himself of the opportunity to inform us what is the branch of public revenue which, in conformity with the promise then given, he has provided for the annual decision of Parliament. The noble Lord, on a point of constitutional practice, speaks with the authority of a master, and he is bound, before the Committee shall come to a vote on the Resolution submitted to it, to explain upon what grounds he supports a proposition advanced for the express purpose, as was avowed, of setting aside the "constitutional practice of having a considerable amount of revenue dependent on a yearly vote of this House." We have been expecting every year that the noble Lord would produce the tax over which Parliament should exercise the control declared to be so valuable in a constitutional as well as in an economic point of view; but we certainly did not expect to be told that the enjoyment of this great constitutional privilege was a fiscal enormity; we did not expect to be told that when, by accident, an opportunity occurred of dealing with a branch of revenue equal in amount to, but not greater than, the sugar duties, if we exercised our power in this respect, we should endanger the finances and expose the country to peril. So much, then, for the Chancellor of the Exchequer's first proposition to renew the income tax for seven years on the ground that it was desirable a large branch of the national revenue should not be dependent on an annual vote of Parliament. I differ from the right hon. Gentleman on that point. The late Government having to propose the continuance of the income tax, indicated that the period should be three years, in deference to the precedent which had hitherto prevailed; but, if we had to choose between a period of seven years and a period of one year, I should vote for the latter. What I wish to impress on the Committee is, the error of these newfangled doctrines—that it is dangerous to have a large amount of revenue dependent on the annual vote of Parliament; for I believe that if we regained the exercise of the ancient constitutional privilege from which we have been too long debarred, it would be in the power of this House to ensure a better and more economical control over the finances. I come now to the second part of the Chancellor of the Exchequer's proposition respecting the income tax, and that is, with regard to its assessment. The right hon. Gentleman proposes not only to continue the tax for seven years, but also that no difference shall be made in the mode of its assessment. Perhaps the Committee will not think it impertinent in me if I take this opportunity, and I shall do it very briefly, of explaining the reasons why the late Government fixed on the rate of assessment which they recommended the House of Commons to adopt. Remember, I have never had an opportunity of expressing my opinions on this matter. Our vote for the income tax never came before the House. In deference to the feeling of the House, and the general desire that the vote should be taken on the Budget as a whole, I placed the entire financial propositions of the late Government before it, and the income tax Resolution was included among the others; but I said, at the time, that in order that full time might be allowed for considering our proposition, I did not intend to ask for the opinion of the Committee of Ways and Means on the question of the income tax until after Christmas, and that all I then desired was, that the House should be in possession of the principle on which we wished to proceed. I mention this, because the noble Lord the Member for London, when a candidate for a seat in Parliament lately, said I had declared I had not had time to look over the schedules of the income tax. I suppose men may say anything when they are on the hustings. Great licence, we know, is permitted under such circumstances, and therefore I should have made no remark on that statement of the noble Lord, had I not heard it repeated on Friday last, in studied sentences of solemn propriety, that in debate my proposition respecting the income tax had confessedly broken down. Why, Sir, there never was any discussion on the subject. I never said that I had not looked over the schedules of the income tax; and perhaps those who make these assertions are not as well acquainted with them as myself. What I said was, that between the period when we publicly announced the rate of difference we proposed in the different schedules, and laying the Resolutions on the table, which was only one week, there was not time to refer to the official authorities to make an adjustment in harmony with that settlement; and as we were not going to ask for the vote of the Committee for a month, our only object being to assert the principle and announce to the Committee the degree to which that principle was to be carried, I said no Member was precluded from making any proposition for altering the schedules—only I warned them, whatever alterations they made, and they might be susceptible of some, they would find they would not in any material way change the financial results I had placed before the Committee. Let me now presume to remind the Committee of the circumstances under which we undertook the revision of the taxation of the country—the first step towards which was the propositions I submitted to the Committee; for I stated, at the time, that it was not offered as a complete system, but only a first step. It was our opinion that the taxation of this country unduly pressed on the classes connected with the land. That opinion we expressed openly; we had no wish to conceal it. It was our opinion that, after the abrogation of a protective policy, the best mode of assisting a class subjected to unrestricted competition was to lessen the cost of production, and we thought that that could not be done without a general revision of the system of taxation. This policy was openly announced; nothing was hidden; our object was avowed, and the means by which we intended to attain that object were publicly declared. If we could convince the country that our policy was just, we did not despair of attaining our object; but unless we could convince the country that our policy was founded in justice, we knew that it would not be accepted, nor did we desire that it should be. The principle of unrestricted competition having been recognised, it became our duty to commence the revision of our financial system, with the view—mind you—the avowed view, of removing its undue pressure on land. It was impossible for us to carry our measures into effect; it was impossible for us to sustain the operations which we contemplated without the aid of the income tax—that tax against which so much odium had been excited, and in our opinion, in a great degree, so justly excited. It was our opinion, having to revise the whole system of our taxation, with the avowed purpose of relieving the land from an undue pressure, that it was absolutely necessary we should appeal to the commercial classes in a spirit of conciliation, and evince our willingness to remove the injustice of the income tax on the trading, the commercial, and the professional classes. I make no contrasts now—our time is too precious—between incomes derived from realised property and incomes the result of intelligence and skill. We have no time for rhetoric now; but there is not a man in this House who has not contemplated the question, and who feels not the shame of the contrast, whatever his opinion may be on the general financial question. It appeals alike to the brain and to the heart of every man who has to come to a verdict upon that point. But I will meet the question of the trading and the commercial classes, and of those possessing terminable annuities. I shall put before the Committee in a brief and succinct formula, a contrast that brought conviction to my mind; and it is necessary to my argument, and in vindication of the course I am now detailing, that I should place before you briefly and clearly the considerations which led to our determination. A man with 20,000*l.* invests it in realised property. Well, I will suppose that he obtains 800*l.* a year for it, being at the rate of 4 per cent—a high rate of interest now. Another who has the same amount of capital, invests it in property perishable at the end of twenty years—in mills, in machinery, or in annuities terminable at that time. The one receives for his 20,000*l.* invested in real property 800*l.* yearly; the other receives for the same amount invested in property perishable at the end of twenty years, or in a terminable annuity, exactly 1,473*l.* per annum, the difference of 673*l.* being the interest, at 4 per cent, that at the end of the twenty years will supply the capital which has perished. Take that case; it takes in all. But how do you tax the two men? You tax the man who owns the realised property and who receives 800*l.* per annum, at the rate of 24*l.* a year, and you tax the man who receives 1,473*l.*, which is really only the same amount of income as the 800*l.* derived from realised property, the rest being purely capital, at the rate of 44*l.* a year. And this is the system which you are going to support—which you, who profess to be the peculiar representatives of the commercial body, are now going to establish for a term of seven years, as you say, but, as I shall presently show you, most probably for ever. You are taxing the property of those classes whom you are sent here to represent nearly double the amount, and you do this for the interest of the trading and commercial classes. With these facts before us—with a conviction that the assessment was unjust—we felt that it was absolutely necessary, in order to induce the commercial classes to agree to the continuance of the income tax, that we might carry out a revision of our financial system, with the avowed purpose of relieving the land from an undue pressure—it was necessary, I say, that we should acknowledge the existence of inequalities in the system of assessment of the income tax. We never proposed the assessment at $\frac{3}{4}$ths as a perfect financial arrangement. We offered it only as the acknowledgment of a principle. The right hon. Gentleman the Chancellor of the Exchequer says that land is now taxed more than other properties, and that the schedule in which land and all real property is included, is an assessment at a higher rate already than the other schedules. The Chancellor of the Exchequer says, when you take into consideration the cost of repairs, the burdens on land, the great weight of local taxation—land is higher taxed than other property. Startling phrases these, Sir, from the Chancellor of the Exchequer! Significant acknowledgments from that side of the House, when I remember the five years during which I endeavoured in vain to press upon this House an acknowledgment that there were burdens peculiar to real property. When I remember that I was told night after night, and by no one more earnestly, more continually, or more consistently than by the Members of the present Government, that the idea of local taxation being a burden upon land was a mere illusion, I say it is satisfactory to me to have lived to find an acknowledgment of its being true in being the basis, to a certain degree, of the financial arrangement now before the Committee. The right hon. Gentleman the Chancellor of the Exchequer says, there is a difference of 2*d.* in the pound in the schedules between the assessment of real property and the assessment of other kinds of property. Well, Sir, I will not stop to analyse the data upon which the right hon. Gentleman has arrived at his conclusion; but he may rest assured that he will be reminded of his conclusion before these debates are over. But, Sir, I say that it was not as a complete financial arrangement, but as the acknowledgment of a principle made in the spirit of conciliation, that we made a difference in the schedules. We have now the income tax at a particular rate of assessment, but no security that that assessment shall not be changed. We have a Government that professes to deal more largely with the income tax than any other Government in our experience, and the Chancellor of the Exchequer proposes to deal with it for a period of seven years. This is an age of great financial operations. Suppose next year a Chancellor of the Exchequer proposes to increase the rate of assessment—suppose that happens, which happened half a century ago, when we were governed also by "All the Talents"—suppose the Ministry come down to the House, and proposing to extend the income tax to 10 per cent, what answer would it be to the artist, the artisan, the merchant, and the tradesman, that the land was assessed 2*d.* in the pound more than they were? If our arrangement had been established, they would at least have felt that if at a future time the impost assumed a severer and more burdensome character generally, they, at least, must find considerable relief in the change in the assessment. And, Sir, I still maintain that in coming forward to ask the commercial classes to grant us the income tax, in order that we might carry into effect a complete revision of our taxation in order to relieve land from an undue pressure, we were taking a prudent and a conciliatory course. We were told by those who had a right to speak with authority on such subjects, that the plan we proposed would not diminish the revenue, while it would most certainly give satisfaction to the commercial classes. We believed in the inequality of the assessment as respected those classes; and we deemed it our duty to endeavour to adjust the inequality, because we were asking them to grant the income tax for the avowed purpose of relieving the undue pressure of taxation on the land of the United Kingdom. Well, Sir, the right hon. Gentleman opposite now proposes to continue the tax, without any difference in the assessment, for a further period of seven years. I may, perhaps, be allowed briefly to state the reasons why I do not think that at the end of seven years the incidence of the tax will terminate. The first reason why I am incredulous is, because I see that the spirit of the times in which we live is hostile to the abrogation of that tax. I beg the Committee to recollect the various aspects which the income tax has assumed since it was first brought under our notice by Sir Robert Peel. It was first brought forward to supply a deficiency, and in order that it might assist in the creation of a surplus out of which the indirect taxation of the country might be dealt with. The deficiency having disappeared, it was continued solely to sustain a surplus, which should allow you still further to deal with the indirect taxation of the country. Well, what is the case at the present moment? It is no longer proposed, in order to create a surplus, to enable you to deal with indirect taxation; but you are so far advanced that you must grant the income tax to support your revenue as at present established, and to provide for your necessary expenditure; while at the same time you ask us not only to grant the income tax, but to lay on other taxes to the amount of nearly 3,000,000*l.*, for the purpose of dealing with the indirect taxation. Considering the circumstances which have occurred during the last ten years, a man must shut his eyes to all that passes around him, and be incapable of perceiving the temper and the signs of the times, the thoughts and habits of his fellow men, if he can suppose that the income tax will not take a perpetual place in our revenue. Your having recourse to fresh taxation in order still further to deal with indirect imposts, proves that there is little chance of our giving up the income tax which was first proposed for that purpose. Why should we suppose that the arguments which at present prevail with regard to taxation should so suddenly cease to have effect? What argument in favour of remitting the tea duty does not apply to the wine duty? What argument is there that is brought forward in favour of a remission of the Excise duty on soap, that does not equally apply to the Excise duty on paper? Cheap sugar is one of the blessings of the age. Why should you not have cheaper sugar? We have had the article of tobacco brought under our notice lately, and I have just been reminded that English smugglers have always made large fortunes so long as the immense impost on tobacco remains. Well, I have also a second reason why I think the income tax will not terminate at the end of seven years, and that second reason I find in the whole scope of the financial policy of the right hon. Gentleman—in all his antecedents—in the whole of his conduct and career. If the arguments of the right hon. Gentleman upon this and upon former occasions mean anything, they mean that we should find the means of supplying the whole of the revenue raised from the Customs duties by direct taxes. That is the natural and inevitable consequence of the right hon. Gentleman's arguments. I am perfectly willing to concede this, that when the right hon. Gentleman the Chancellor of the Exchequer held out the prospect, which he did the other night, that at the end of seven years the income tax would cease to exist, he was speaking with sincerity and acted with perfect conscientiousness. I have not the slightest doubt that the right hon. Gentleman is sanguine in his hopes, and anxious to effect a successful arrangement, and I am ready to admit that, should the year 1860 find him in the position of Chancellor of the Exchequer, but bring with it circumstances totally adverse to his commercial policy, the right hon. Gentleman is so conscientious a men that it is quite likely he would resign his office sooner than propose the continuance of the tax for a further period. We shall see him, as we did in the case of Maynooth, resign his exalted station in the Cabinet, and retire beneath the gangway, whence probably the right hon. Gentleman would again rise and recommend the renewal of the income tax. This he might do there with perfect honour—and so sacrifice himself to save his country. I have given at least two reasons, one being the character of the age, and the other the character of the right hon. Gentleman, by which I am induced to believe that the income tax will become a permanent tax if we consent to its retention for a period of seven years. If that be so, it appears to me that we have arrived at this dilemma: If this is to be a permanent tax, are we authorised, with the inequalities, the injustice, and the odious qualities that it possesses—are we authorised to extend it to new classes and countries without any attempt being made to mitigate these odious qualities, and to adjust those inequalities? If it be, as it avowedly is, the basis of the Government proposition that this is to be only a temporary tax, is it wise—is it politic, I ask again, to introduce for a brief space an impost so essentially unjust and odious to new classes and new countries? That, Sir, is the dilemma of the right hon. Gentleman. My opinion is, that our proper policy would be to renew the tax, and for a very limited time, as was proposed by the late Government, with as much of a mitigatory character as we can contrive. That was the proposition of the late Government, and it is the proposition of my hon. Friend the Member for Hertfordshire (Sir B. Lytton), although, of course, the adoption of that proposition of my hon. Friend does not bind any Gentleman who may support it to the specific proposal of the late Government. But if this tax is not to be mitigated, and if its inequalities and its injustice are to baffle both Minister and Legislature, the best thing to do is to apply your surplus and accruing income as you receive it to the reduction of an impost which no Minister can manage, and no people can long endure. In the whole of this question, in considering this important arm of our national finance, which the right hon. Gentleman the Chancellor of the Exchequer described with so much power, but which, I think, he described in a manner that conveyed an erroneous impression to hon. Members who are not experienced in financial matters—in considering this tax we should always endeavour, as accurately as we can, to ascertain whether the objects we are to gain by its perpetuation or continuance are worth the cost. The tax upon soap, there is not the slightest doubt, is a bad tax. As I have said before, the tax upon paper is a bad tax; and, as we obtain a surplus, these taxes, I admit, should early command the attention of the Minister of Finance. But, when you are asked to make the income tax a permanent portion of our finance, you are asked, not whether the taxes upon soap and tea are impolitic or not—of course all taxes are injurious, and these are particularly so—but whether it is worth your while to relieve yourself from the incidence of these taxes by perpetuating the income tax. You must follow the advice of Dr. Franklin, and see whether the whistle is worth its price. The right hon. Gentleman gave us the other day a description of the income tax and its great achievements. The hon. Member for the West Riding (Mr. Cobden) said it was declamatory. It was somewhat declamatory, but that I do not quarrel with. But it appeared to me to be inaccurate. This is a new House, and, I am happy to say, there are many young Members in it, some of whom were born since some of the great events occurred of which we are treating. To them the right hon. Gentleman may have conveyed an impression that, with the income tax, in addition to the ordinary sources of revenue, we produced a revenue nearly equal to all the expenses of the war, the revenue being 65,000,000*l.*, and the expenditure 67,000,000*l.* Now, if that were so, unquestionably the income tax would be that colossal weapon which he so justly described it. But between 1806 and 1816, the year of the Peace, the right hon. Gentleman forgot to say, that although we had a revenue of 65,000,000*l.*, meeting an expenditure of 67,000,000*l.*, yet that there was simultaneously created a vast addition to the public debt, and that between 1806 and 1816 that public debt had increased from 600,000,000*l.* to about 840,000,000*l.* Hon. Gentlemen must remember especially this, when they hear of the efficacy of this colossal instrument, that there was a deficit, in 1814, 1815, and 1816, of 91,000,000*l.* That was the state of our finances. We had an increase of our deficit simultaneously with the use of this charmed weapon, whose qualities the Chancellor of the Exchequer so eloquently dilated upon. There is one other point in the income tax to which I must advert, and that is its extension. Assuming, as I do, the permanent feature of this tax, I think that no class or country should have been exposed to it without some mitigation of its injustice. But I must argue the case to-night as if the principle on which the Government system is founded is the correct one, and that the income tax will cease at the time mentioned. And now I have to consider its extension to Ireland. The right hon. Gentleman the President of the Board of Control (Sir C. Wood) said that I had proposed the extension of the income tax to Ireland, and that I did not propose any measure for dealing with the consolidated annuities. I must say, Sir, that I see no connexion between the income tax and the consolidated annuities. I see no connexion between the incidence of Imperial taxation and the results of local arrangement; and I think it most impolitic, indiscreet, and unwise ever to mix them together. Sir, it is almost unnecessary to allude to another matter; but I have heard, not in the course of this debate, but in conversation within this House, of something like a compact relative to the income tax with the Irish Members. Now, of all the men in this House, I am the one who, perhaps, need less than any other to have a compact with any Irish Member as to the policy which I may feel it my duty to recommend with regard to the income tax and the consolidated annuities. Four months ago we had to consider the extension of the income tax to Ireland, and, after mature consideration, we unanimously came to the conclusion that it would be unwise and inexpedient to extend it to Ireland. We not only thought it unwise to extend it to Ireland at that time, but the considerable period which we proposed to Parliament to intrust us with this tax proved we had no immediate intention of changing our policy in this respect. It was our opinion, for reasons which I need not give, but it was arrived at after ample and anxious consideration by the late Government, that it was quite out of the question to extend the income tax to Ireland. Sir, I am prepared to support the same policy now that I advocated on the other side of the table. Now, Sir, it is not true that I was not prepared to make a proposition upon the consolidated annuities. I say still that these two subjects ought not to be mixed up with each other, and that they have no necessary connexion. On the contrary, I said that I would take the earliest opportunity to submit a Resolution to the House on the consolidated annuities. I said that, after I stated that the Government did not intend to extend the income tax to Ireland. The proposal I was prepared to bring forward with regard to the consolidated annuities was certainly not that which the right hon. Gentleman has made, but it was one founded upon equity, and which would, I think, have given satisfaction to all those who were interested in the affair. I have now touched upon the principal points of the first Resolution of the right hon. Gentleman. I might stop here, but I beg the permission of the Committee—and I will not abuse their indulgence—to allow me to express the general opinion which I entertain with respect to the financial policy recommended by the Chancellor of the Exchequer. Sir, I have one great objection to that policy. It appears to me that the whole of the financial policy of the right hon. Gentleman is conceived in a spirit of injustice to the land. Now, Sir, that is a subject on which I have no wish to indulge in declamation, as the hon. Member for the West Riding said of the Chancellor of the Exchequer. I am ready, with the permission of the Committee, to establish the truth of my opinion by reasoning and by facts. And, as I plead for an interest which is not now surrounded by artificial legislation—as I give you credit for sincerely wishing that all classes of the community should, so far as is possible, receive from the Legislature, especially upon financial subjects, justice—I trust you will listen to me with temper and toleration, and that you will not permit the memory of ancient prejudices, or the recollections of former feuds, to divert your minds from the facts which I shall lay before you. Now, Sir, I would ask the Committee to view for a moment the state of our revenue, in its amount. If you look to the last returns you will find that the ordinary sources of our revenue, deducting that income tax which was only proposed as a temporary tax, and which as a temporary tax is the basis of the financial scheme of the Ministry—deducting that temporary tax from the ordinary sources of revenue, the revenue amounts to about 46,000,000*l.* sterling per annum. This great country, with the most extensive commerce of modern times, the most admirable manufactures, governed, as we are told, by the great towns — this country of progress raises an imperial revenue to the amount of 46,000,000*l.* sterling per annum from its ordinary sources, and one-fourth of that revenue is raised by a duty upon a single crop of the British farmer. The average of the united duties that you levy, directly or indirectly, upon barley is upwards of 230 per cent. Now, let me show you how this system operates—how it must operate under the policy recommended by Her Majesty's Government. You are called upon in this scheme to deal with the tea duties. It is unnecessary for me to say that that is a proposition which I can view with no repugnance; I have always considered that the tea duties, *per se*, were an excessive and impolitic impost, and one which a Minister of Finance, at a favourable opportunity, and in a proper spirit, ought to deal with; and I proved the sincerity of my views on the subject by dealing with them. I make no comment to-night upon the proposition of the Chancellor of the Exchequer with respect to the tea duties; I believe that the supply is illimitable which China can afford us of tea, and therefore, though I should have preferred my more prudent arrangement, I am not terrified by the arrangement of the Chancellor of the Exchequer. But if I were of the same opinion as the Chancellor of the Exchequer, or the right hon. Member for the University of Cambridge (Mr. Goulburn), that the supply was limited, then I confess, if I were Chancellor of the Exchequer, I should not feel so easy as the right hon. Gentleman appears to be. But understand what you are going to do. You are going to reduce the duties upon tea more than half; you are going to bring tea into increased competition with those beverages that are prepared from the productions of the British farmer. Tea will probably become a substitute for spirits and beer which are produced from barley. Many Gentlemen opposite say that they have no objection to tea or even to wine becoming a substitute for spirits—for whisky, for gin, or for beer. Well, if that were the natural course of human affairs—if that change resulted from a concomitant change of habits and feelings and tastes in the people, he would be a very unwise man who should set his face against the change. But if that change is produced by the foreign products entering into competition with the English products, with the immense advantage of being taxed by one half less, then their substitution for the products of the British farmer is in fact not the consequence of a change of taste in the people, but of your fiscal injustice. And that is what I wish to impress upon you. Rely upon it, you may crack jokes about reducing the malt duties, and remissions of duty going into the pocket of the brewer, and maudlin philanthropists may denounce dram drinking, and say that they will not encourage legislation that gives any impetus to such a habit; but the jests and jokes even of a President of the Board of Control will be baffled by the inexorable principles of political economy; and the maudlin philanthropist who denounces dram drinking, but is nothing loth to receive the dividends which dram drinking supplies, is not a legislator who I hope will ever influence the decrees of the House of Commons. A sum of 11,000,000*l.* or 12,000,000*l.* a year can never be raised without being paid by the consumer, and, if paid by the consumer, must restrict the industry and restrain the trade of the man that produces. It is of very great importance, no doubt, that we should deal with the excessive indirect taxation that attaches to many foreign articles; it is of great importance that we should extend our commerce with India and China on a sounder basis; and that is one of the main reasons why we should deal with the tea duties. It is also of very great importance that we should increase our commerce with France and the south of Europe; and that is a very good reason why we should deal with the wine and brandy duties. But, irrespective of political justice, have you considered the fiscal consequences which must accrue if you persist in lessening the indirect taxation upon the Chinese tea or the French wine, and at the same time leave the enormous impost that exists upon the malt and the spirits that are made from British produce? That was the reason that induced the late Government to make up their minds to deal with the 11,000,000*l.* or 12,000,000*l.* that you raise from a tax upon a single crop of the British farmer. We were as desirous as the right hon. Gentleman opposite to increase our commerce with China, and to expand our trade with France; but we felt that we had a primary duty to fulfil, and that we were bound simultaneously to reduce the burden and mass of indirect taxation that pressed upon the industry of the British producer. Irrespective of political justice, I ask what must be the fiscal consequences of articles of foreign product, like tea and wine, coming in at reduced, and, if the system of the right hon. Gentleman be ever consummated, perhaps at nominal duties, and supplanting the beverages that are produced from the barley of the British cultivator of the soil? What will then become of your revenue of 11,000,000*l.* or 12,000,000*l.*? By every consideration of sound finance, irrespective of political justice (which is a higher consideration than sound finance even), you ought at least to take care, when you are bringing in articles which enter into competition with articles produced by the English cultivator of the soil, you must at least take care that the competition which he enters into is, as you say, "unrestricted competition." But what is the course recommended by Her Majesty's Ministers? While they are proposing to reduce by more than 50 per cent the tax upon tea; while they are prepared at a favourable opportunity probably to deal also in the same manner with wine; while they are allowing these foreign articles to enter into competition with articles of British growth that are subject to a duty of 230 per cent, the only proposition they make with respect to this amount of indirect taxation is to add 500,000*l.* to the amount which is already felt to be so oppressive. So much for the justice of the policy of the Government as to the land, with respect to dealing with indirect taxation. I am asking no favour, mind you, for the land in this behalf. I shall be glad if any Gentleman can get up, with the most extreme views of unrestricted competition, and vindicate such a policy. I say we are bound, if we admit foreign products like tea and wine at much reduced duties, to deal also with that immense mass of indirect taxation which we raise from English articles, for which these foreign products will in all probability be substituted. I cannot imagine that there is any one who will question the policy, or the wisdom, or the justice of that proposition. Now, if the financial policy of the right hon. Gentleman deals with the indirect taxation in so unjust a manner as regards the land, what is he doing at the same time with our direct taxation? Why, we find this—this is the first thing that meets us: a farmer finds, in the first place, that the duties upon barley indirectly affect the whole soil of the kingdom, and that his product with an immense impost is placed in unrestricted competition with his foreign rivals, who have to pay a much reduced rate; he finds, in addition to this, that the indirect taxation upon the article he produces is increased; and what more does he find when he leaves the domain of indirect taxation? He finds the right hon. Gentleman saying, "You will meet this increased competition with increased indirect imposts, and, in addition to all this, to sustain you in the contest, we are going to put upon you an income tax." That is the position of the cultivator of the soil. What is the condition of the proprietor of the soil—the proprietor of the soil who has been told to devote his capital to the improvement of his estate? You are going to propose a tax which you call extending the legacy duties to land, which will act as a direct tax of a very considerable amount upon all real property, and, of course, if upon all real property, in a very great degree, if not mainly, upon the land. Now, there seems, as far as I could collect the opinion of the Committee as the debate has proceeded, some little misapprehension on this subject. An hon. Friend of mine, the Member for Wakefield (Mr. Sandars), who has given in his adhesion to the project of the Chancellor of the Exchequer, said that he did so because the right hon. Gentleman was going to fulfil that which Mr. Pitt failed in doing; and another hon. Member opposite eulogised the right hon. Gentleman on the same score, and said that Mr. Pitt had only failed by one vote in accomplishing that which the right hon. Gentleman now proposed, and which he hoped he would succeed in accomplishing. Now, there is a very great error in this. Mr. Pitt never proposed anything of the kind. Mr. Pitt never proposed any tax upon settled property of any kind. [*Laughter.*] I have read the Act which Mr. Pitt brought in, and if the hon. Gentleman who laughs means to express any incredulity on the subject, I must refer him to that Act. Mr. Pitt introduced two Bills, one of which is the origin of our present legacy duties with reference to personalty, and the other was a Bill which would have extended the same system of legacy duty to landed property, which was not settled. It has been alleged that it was the selfishness of the landlords then in Parliament which threw out that Bill. It was nothing of the kind. Nine-tenths of the landlords in Parliament were possessors, as Gentlemen in this House are at present possessors, of settled estates, and the proposition of Mr. Pitt never touched them. It was thrown out on different grounds, and it was mainly thrown out from the influence of Mr. Fox. It was Mr. Fox whose opposition threw out that Bill, and it was he who opposed it on grounds to which I may hereafter advert—grounds which were considered sound and scientific, without doubt. The Bill, therefore, was not thrown out by the selfishness of the landlords; and the only persons whose interests were affected by it—and for whom the battle was fought—were the small proprietors of England, who were not Members of Parliament, and whose estates were not settled. Now, this is a subject of very grave importance. The right hon. Gentleman the President of the Board of Control said, the other night, that the late Government were going to propose a tax on successions. Now, I am sure either the memory of the right hon. Gentleman must have been imperfect, or he must have spoken from inadvertence when he said this. It was the duty of the late Government, when they revised the taxation of the country, not to omit so important a subject as the duty on successions, or the legacy duty; and certainly it was our opinion that it was most imprudent to delay dealing with that question, and that it was a subject which, for a permanent settlement, ought, without unnecessary loss of time, to be brought before the House. What I did say on the occasion referred to is within the recollection of right hon. Friends near me—and certainly I could have intended to say nothing more—it was, that we did not think it impossible to make a proposal upon that subject which would terminate for ever the controversy in a manner which would be recognised as perfectly satisfactory by all parties. And that was not a vague phrase; that proposition was a matured proposition; and probably in the course of this discussion—though I will not trouble the Committee with it now—I may be able on some future occasion to submit it to the consideration of the House. But, Sir, in considering the question of a tax upon successions, there are many points to be considered before we come to a vote upon it. We must ask ourselves, in the first place, is it a just tax? Is it, abstractedly, a just tax? Is it a politic, a just tax, a tax that can be vindicated on principle? We must ask ourselves, in the second place, whether, if it be a tax sound in principle, it is a tax adapted to the country in which it is proposed to be introduced? Thirdly, we must ask ourselves what are the data which the Chancellor of the Exchequer has before him upon which he founds this estimate of its produce; and, above all, what is the machinery by which he means this tax to be raised? These are three important points which would well deserve consideration. For my own part, Sir—although I think that if the Bill of Mr. Pitt had passed it would have been unwise (unless the state of our finances justified us in doing so) to disturb that arrangement—for my own part, I believe that all taxes on successions, whatever shape they may take, are unsound in principle. They are taxes on capital. They are unsound in principle as regards personal property, but they are much more unsound in principle as regards landed property, because they lead to partition, which, in my opinion, is a very great evil, and much to be deprecated. But I am not going to enter into that important subject now. All that I can say is that you cannot deny, that by proposing this tax on successions with reference to landed property, you are proposing a new tax upon the land. I have shown you that in dealing with your indirect taxation you have commenced a system, and you have laid down a principle, which must immensely aggravate the national taxation upon the British producer. I have shown you, in the second place, that while you are about to pursue that unjust and injurious policy—a policy the propriety of which no man can vindicate—while you are aggravating the pressure of indirect taxation upon the British producer, you are inflicting upon the cultivator of the soil a direct tax in the shape of an income tax, and upon the possessor of the soil a direct tax in the shape of a tax upon successions. Now, Sir, I say that the whole scope of the Budget of the right hon. Gentleman is conceived in a spirit of injustice to the land. I will not touch upon the past. I will not ask you was it politic, was it wise, or was it generous to attack the land, both indirectly and directly, after such an immense revolution had taken place in those laws which regulated the importation of foreign produce. I will make no appeal *ad misericordiam*. What you have done, you have done—we have given our assent to it. I will not refer to the past, and upon that ground I refrain from appealing to you. But I will remind you that the Minister who has conceived this Budget—who has conceived it, as I maintain I have proved, in a spirit of injustice to the land—who is aggravating the burden of indirect taxation to the land, and is proposing new direct taxes on the cultivator and the proprietor of the soil, is the very Minister—the first Minister—who has come forward, and in his place in Parliament talked of the vast load of local taxation to which real property is exposed. The vast load of local taxation which real property endures! Well, then, this is an age of compensation—what is to be our compensation for that? I remember when I made an appeal to the sense of justice of the House of Commons on that head I was met by two kinds of opponents. One school denied point blank that there were any burdens upon real property which were peculiar to it, or which it was not bound to bear. But there was another class of opponents, who took a different ground. They said, "It is very true that there is an undue burden of taxation upon real property, and upon land as the most important portion of real property, but you forget you have not to pay the legacy duty." Why, Sir, I have shown over and over again that exemption from the legacy duty was no compensation for the weight, the great weight, of local taxation which your Minister has admitted. But let me remind you now that we are not only to have this great weight of local taxation acknowledged by the Government, but it is not to be remedied by the Government—nay, more, it is not only not to be remedied by the Government, but it is to be accompanied by the very tax an exemption from which they used to say was our compensation for those burdens. Sir, we have lived to see very strange things. I remember when Sir Robert Peel proposed his first income tax, and I remember the noble Lord, the leader of the House, sitting on these (the Opposition) benches rising, and, with the traditionary spirit of Mr. Fox, denouncing the impost as Mr. Fox denounced the legacy duties, because the noble Lord, as well as Mr. Fox, had some feeling for the land of his forefathers, and for the burdens which it had so long borne. I remember how the noble Lord admonished Sir Robert Peel. The noble Lord could not deny there was a deficiency in the Exchequer; for he had just left office, and knew pretty well the state of his treasury. The noble Lord said there were other means of supplying the deficiency—anything but this odious, this unjust, this inequitable, this inquisitorial income tax. [*Laughter.*] The epithets are the noble Lord's, and not my own. Do anything but this, the noble Lord said; if you have a deficiency, why don't you supply it by applying the legacy duty to the land? Well, Sir, he has applied the legacy duty to land, but he has given us the income tax too. That is the fate of England. And now what is the fate of Ireland? Sir Robert Peel did not propose an income tax for Ireland, though he proposed one for England. Sir Robert Peel thought that there were constitutional and local grounds which should forbid him, even if he wished it, to apply the income tax to Ireland; but he said, "I must have some substitute, and that substitute shall be a duty on spirits. The Irish shall have a duty on spirits instead of the income tax, just as the English were to have, if the policy of the noble Lord had prevailed, a legacy duty instead of an income tax; but now England had got the legacy duty as well as the income tax, and Ireland is to have the spirit duty and the income tax too. Strange fate that both countries from the Ministry of "All the Talents" should receive such accumulated blessings! But, Sir, it is not my intention—and it would be taxing the patience of the Committee, as we shall have so many opportunities of entering upon the consideration of this great subject—to go into all the details of the Budget, or even into all its main features. I am confining myself to show to you that the Budget is conceived in a spirit of hostility to the land, and I have endeavoured to substantiate that by arguments and facts which it is open for all to consider, and if possible to confute; and without allusion to any of those views or considerations which in former debates may have influenced us on the subject, I appeal with the same confidence to hon. Gentlemen opposite as to those on this side of the House—all I ask is, that you will deal with this great interest as you should deal with all interests, great or small, in the spirit of justice, and that if you cannot accomplish all that justice requires, you will at least show a desire to do so; and that you will not persist in legislating in a spirit which will sour the temper and irritate the feelings of a large portion of the most valuable subjects of Her Majesty. There is another point to which I am obliged to refer. The Chancellor of the Exchequer has a project for the licences of trades, which, I dare say, many of his supporters have heard something about. Well, Sir, I have received between 300 and 400 letters on the subject; and, at first, many of them being really full of useful suggestions, it was my intention to have sent them to the Chancellor of the Exchequer. But when I found that the right hon. Gentleman, with a devotion to public affairs for which I had not given even him credit, was in the habit of answering all his letters himself, I thought that he might have possibly misinterpreted what was really intended to be an act of courteousness on my part; and so I retained the letters and saved the right hon. Gentleman a certain amount of embarrassment. Well, Sir, the general tone of these letters may be described in this way: This project of licences is infinitely worse than your house tax. I should say, indeed, that the majority described it as a quadruplication of the house tax. Moreover, they all say they would much sooner—if they must have something—have my house tax than this system of licences, for it was but an aggravated house tax, and if developed, as it must be developed should the first step be conceded, they have got that which they wished never to obtain, and from which they thought the right hon. Gentleman had turned me out of office to save them. Well, there has been great clamour—there has been great discontent in the country on the subject; and, unless I misunderstood him, the opinion of the right hon. Gentleman on the subject is already shaken. I should have supposed a Minister of Finance would not have taken such a step as proposing licences for trades—I am not now giving any opinion as to the policy of the measure, which is unquestionably one of the most important in the province of the Chancellor of the Exchequer—but I should not have supposed that any Chancellor of the Exchequer would have brought forward a proposition of such a nature without well weighing its character and consequences. Such a plan is not to be taken up hastily; nor, one would think, is it a plan to be lightly relinquished. It is a very grave subject. It touches the retail trade—the most tender, the most irritable, the most lively, and the most sensitive to anything like an attack on their finances, of any portion of the community. The system of licences, involves too, some of the worst consequences of direct taxation. Some, indeed, have proposed it to us as a favourable substitute for the income tax. It appears, however, we are to have licences and income tax too, according to the original project of the right hon. Gentleman. But there are great murmurs and discontent in the country on the subject. And at the very first murmur we hear the Chancellor of the Exchequer rise and mutter something about the absolute necessity of the scale being altered! But, if rumour is true, even the plan itself is to be abandoned. Now, mark the difference when a particular class of the population of the towns is concerned in matters of taxation, and when you deal with those who are connected with the land. There is not the slightest doubt, I take it for granted, that the Chancellor of the Exchequer would never have proposed the licences unless he believed them to be just and proper, and not only just but politic. Well, but he changes his opinion in twenty-four hours, when the trades rise and tell him they will not endure it. But the farmer must bear his income tax, the proprietor of the soil must bear his increased burden of direct taxation, the cultivator must find his burden of indirect taxation unnecessarily and enormously aggravated, while he has fresh rivals in the field in the articles he produces. He murmurs, but he is to get no relief. But the instant a particular class in the country are touched by the Minister of Finance, orders are given, the delegates wait, and the Minister trembles. Now, Sir, I have adverted to this subject before, and think it by much the most serious feature of our political condition. If it be the fact that certain classes in this country, because they have a certain portion of electoral power, are exercising that electoral power systematically to exempt themselves from just taxation, I cannot conceive anything more to be deprecated, more perilous, and more to be resisted. Why, what has been the cause of the disturbances of nations, and of the fall even of thrones? It has been the existence of classes exempted from taxation. I see no difference between a privileged noble and a privileged tobacconist. It is the same, whether it is the patrician who calls on the Chancellor of the Exchequer and adjures him not to touch him with an impost, or the tradesman with a 10*l.* vote. The circumstances are equally grave, equally full of political disorder. Nor can I doubt that what have been the consequences in one case will be the same in the other; for I feel it is the privileged which will be the class that will suffer in the end, though it may now reap an undue and unholy harvest from the power they possess. Nor can the electoral system endure which will permit such scenes which we now almost yearly see in the House of Commons, in consequence of this state of things. But when these great scandals take place, and when the owners of the soil and the cultivators of the soil complain that in the projects of the Finance Minister they are not justly treated, and claim from him nothing but justice—when, not only injured by his project, but irritated by those unwise concessions, they come to him by their representatives, how are they met? By taunts and by jeers. What said the right hon. President of the Board of Control the other night to some one who had made comments on the scheme of the Government? He said, "You had better take my advice, you had better take this measure, or you will get worse." "Now," said the President of the Board of Control, "remember the eight shilling fixed duty. You did not take that; you see what not taking the measure we brought forward led to." Well, that is a very favourite topic on the other side. [Sir C. WOOD: Hear, hear!] The cheer of the right hon. Gentleman will allow me to dwell on it a little longer. It is not merely the President of the Board of Control that takes this course. The President of the Board of Control is rather of an active and vigorous than of an original mind. The President of the Board of Control has followed the example of more eminent persons. The noble Lord (Lord J. Russell) is very fond of giving us his advice on this subject. At the beginning of the year I brought forward a Motion respecting our relations with France, and it fell to the noble Lord to answer the observations I made. The noble Lord, on that occasion—the subject being our relations with France—delivered himself of an oration in favour of free trade. Not a very uncommon habit with the noble Lord. And he said then that if I had followed his advice I might have been one of Her Majesty's Ministers at that time. So far as that was concerned, I believe it did not depend upon my following his advice: all that was necessary for me to have done would have been to follow his example. I dare say if we had submitted to what I have seen Ministers submit, that probably we might have been sitting on those (the Ministerial) benches at this very time. But that, however, is not the point to which I wish to call attention to the noble Lord. The noble Lord has said—and he has now been followed by the President of the Board of Control—"You never take our advice. I advised you to take an 8*s.* duty on corn, but you would not take it." Now, the noble Lord has reminded us of that several times. I should not, however, have now noticed it if the President of the Board of Control had not revived it. If the taunt had come from the right hon. Baronet the Member for Portsmouth (Sir F. Baring), who was Chancellor of the Exchequer at the time, I might have allowed it to pass, because he might have been justified in making it; but the taunt has been so often repeated and stereotyped that I think it is time it should cease. I have, therefore, thus noticed it, in order, if possible, to prevent its repetition. I think it would only have been decent of the noble Lord to have remembered under whose advice, and at whose urgent instance, we did refuse an 8*s.* fixed duty on corn. Far be it from me to depreciate the colossal powers of the mind which could conceive so vast an idea as an 8*s.* fixed duty on corn. I give the noble Lord all the credit that is due to him in that respect. But at the same time, when the noble Lord remembers who was the statesman under whose advice and at whose instance that proposal was refused, and when he remembers who those are by whom he is now surrounded—when the noble Lord remembers that he has thrown aside the Whig party, and that he has accepted a subordinate office under a subordinate officer of Sir Robert Peel, I think he might have felt that the time has come when these scoffs and sneers should cease. The hon. Member for the West Riding (Mr. Cobden) said, the other night, that the Member for North Warwickshire (Mr. Newdegate) had stated that this Budget was a great triumph to Manchester. Well, Sir, I had hoped that the old feud between town and country had ceased for ever. There exists no difference of material interests any longer between town and country. The very Motion which the Member for Hertfordshire has proposed to-night is somewhat significant of that, and is evidently conceived in a spirit of honourable conciliation. I could therefore have hoped, that, however you might have voted that you would have accepted that Amendment in the same spirit. The Member for Manchester (Mr. Bright), when addressing his constituents some little time ago, expressed his amazement that the country Gentlemen should have made such a proposition, and added, that they were entitled in consequence to the kindly feelings of the working classes of the country. That was the way in which the hon. Member for Manchester had spoken of the proposition which has been treated so differently by the Secretary of the Board of Control. That hon. Gentleman had spoken of our proposition in terms—I will not say offensive, for if they had been offensive I should have called in the Attorney General to have taken a message to the right hon. Gentleman—because I recollect—it is still ringing in my ears—the glowing eulogium made by the first Crown officer upon the subject. The hon. Member for Manchester spoke in a manner honourable to himself and worthy of the occasion; and I tell the hon. Gentleman that there is no class which has struggled more for the rights and liberties of the people than the country Gentlemen; no class has less interest in the corrupt administration of affairs; and no class has a greater interest in an economical administration of those affairs. Gentlemen are very apt to tell us of the weight and importance of the great towns, and that this Budget was supported by the Members of those great towns. I have already said that there is no longer any difference of material interests between the people of the great towns and the people of the country. But I am told there are social and political differences. I am very loth to believe it. I cannot but believe that it will be remembered that these great towns are situate in a country of no considerable extent, with no excessive population, with a commerce, which, however great, has been equalled, and with manufactures, which however successful, have been surpassed. What then makes this country great? The national character of the country, created by its institutions and by the traditionary influences impressed upon those institutions. Those institutions are deeply and broadly planted in the soil, and that soil is not the possession of any exclusive class. The merchant or the manufacturer may deposit within it his accumulated capital, and he may enjoy those privileges to which its possession entitle him, on condition that he discharges those duties which its possession also imposes. Then why this hostility to the land? Every man is deeply interested in maintaining its influence. I therefore adjure those Gentlemen who are the representatives of large towns to condescend to ponder over these observations, and not to be led away by prejudices; remembering that we are all alike interested in maintaining the greatness of our country, and that that greatness depends upon its institutions as well as its material prosperity. Should, however, as I trust not, the representatives of towns take another course, then of this I feel convinced, that if they are still alienated from us—if they still proceed in their illusory progress, they may perhaps arrive at the goal which they contemplate, they may perhaps achieve the object they have set before them, but I believe they will be greatly disappointed in the result, and that they will only find they have changed a first-rate Kingdom for a second-rate Republic.

LORD JOHN RUSSELL: Sir, at this late hour of the night, and after four nights of debate, I can attempt to do little more than set before the Committee as clearly as I can the question upon which they are now about to divide. They have a Budget before them comprising propositions of very great importance to the finances of this country, and the question which they have to decide is, whether the advantages held out by those propositions are greater than the burdens which are to be imposed, and whether it is the duty and the interest of this House to adopt that Budget. Now, Sir, in the first place, the proposition of the Government is, that an endeavour should be made to settle the question of the income tax—the assessment and existence of which, as a part of our financial system, have been for a long time in debate, and have given rise to difficulties most perplexing even to the minds of those who are most conversant with these subjects—and to enable Parliament to come to a final decision upon the question. I say this because I think it must have been evident to any persons who have followed the course of events and of the debates upon this subject, that although the original proposition of Sir Robert Peel in 1842 to impose an income tax for three years might have been very wise, and well adapted to the situation of the country then, yet it is impossible now to continue the tax from three years to three years without exciting at every renewal doubts and differences as to the mode in which that tax should be imposed, and as to the parties to be subjected to its operation. Such discussions and such differences cannot take place without disturbing and shaking our whole system of finance; and yet no Government since 1842, no House of Commons since 1842, has seriously contemplated the termination of this tax. Every Chancellor of the Exchequer in the interval of the three years has proposed various reductions of the tax; and other reductions which he did not propose were pressed upon him by Members on every side, and of every party in this House; and yet, while the Government made those propositions, and while Members of the House urged those reductions, it was not expected that the income tax should terminate at the end of the three years to which by law it was fixed. Such being the case, my right hon. Friend the Chancellor of the Exchequer has told this House that, continuing the tax for a certain limited period—I admit, no very short period—after that time the House will have the means, if it thinks fit, of putting an end to this tax, and relying for the future upon the ordinary resources of the country. I say, therefore, that there is, *primâ facie*, a great advantage proposed by this Budget. In the next place, Sir, it is proposed to take away one of the injurious duties of the Excise, which is almost the only tax that now remains upon what can be properly called the necessaries of life—I mean the tax upon soap, which interferes materially with the health and comfort of the people. It is proposed to part with no less than 1,000,000*l.* of revenue on that head. It is proposed further that the tea duties should be reduced from 2*s.* 2*d.* to 1*s.* in the course of three years. It is proposed that the system of reducing the protective duties should be carried further than it has been, and that many disputed questions—that, for instance, with regard to spirits, and the mode in which that duty is collected—should be settled by the legislation of the present year. To these must be added the proposal to adjust the assessed taxes, not upon the absurd sumptuary principle at present adopted, that persons are to pay for every increased number on their servants or horses, but on the principle that every person shall pay equally upon every servant, every horse, and every carriage that he may use. An hon. Gentleman said to-night, with considerable effect and with great emphasis, that this change was entirely for the advantage of the rich; but I must say that I believe it is no less for the benefit of the working classes. I believe the benefit will be much more extensive; for by the heavy tax on servants, by the heavy tax on carriages and the like, you do restrict very much the employment of those who labour. Well, Sir, this is a brief summary of the advantages that are now proposed. On the other hand, it is an objection in the eyes of many that there is no alteration in the rates proposed for the income tax. It is an objection also in the eyes of many that a tax is proposed to be imposed upon legacies. Now, Sir, it is with these objections that I shall immediately deal; but first I must say that the spirit in which the propositions of the Government have been received, does seem to me to be singularly at variance with the Amendment which has been proposed by the hon. Baronet (Sir B. Lytton). The hon. and learned Member for East Suffolk (Sir F. Kelly) has said to-night that new and enlarged burdens are placed on the land. The right hon. Gentleman who has just now sat down complains of the new tax upon land, and says that the whole Budget is framed in a spirit of hostility to the land. ["Hear, hear!"] Ah! hon. Members seem anxious to confirm the accuracy of the statement which I have made. Well, what is the proposition before the Committee? What is the engine by which it is proposed to throw down the whole of the monstrous and vast edifice which my right hon. Friend proposes to erect? Is it a proposal to tax land less, or to take off any of the existing burdens on land, or to impose new taxes on trade? Quite the contrary. The proposition made by the hon. Member for Hertfordshire is this, that whereas land is now taxed 9*d.*, and trade 7*d.*, land should be continued at the same rate, and that trade and manufactures should be taxed at a lower rate. Was there ever anything so contradictory? and yet the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) stated that he was gratified at the admission which had been made by my right hon. Friend the Chancellor of the Exchequer, that the amount raised by the income tax upon the land amounted to 9*d.* instead of 7*d.*, owing to the expense of repairs. That being the case, one would have thought that he would have voted in favour of some proposition by which that sum was to be reduced; instead of which he proposes that whereas the sums paid by the land and by trade respectively are 9*d.* and 7*d.*, the sum paid by land shall continue at 9*d.*, and that paid by other sources of income shall be reduced to 5*d.* Why, for Gentlemen who have been these last seven years declaring that land was depreciated and ill-treated by our commercial legislation, now to come forward, at the end of those seven years, with a proposition to aid manufactures and trade, of whose predominance and unfair influence they have been complaining all this time, is certainly one of the most wonderful anomalies that this House has ever presented. I believe that since the day when Marshal Marmont conducted his division of the army, which expected that it was going to fight for Napoleon, into the ranks of the hostile army of the Austrians and the Prussians, there has been no such military move as that of the right hon. Gentleman opposite. Therefore I do not wonder that the right hon. Gentleman the Member for Oxfordshire, who is usually so clear, and who marks so accurately and shrewdly the points upon which he wishes to fix his blame, found himself so embarrassed that, instead of being clear and pointed, he was obscure and confused during the whole course of his remarks upon this subject. But what is the case? I will not detain the Committee long, but I must say a few words upon this question, because the right hon. Gentleman has hardly touched upon it, and in what he said he hardly represented the case fairly. What is the truth with respect to this equal rate upon all the schedules of the income tax? The real difficulty consists in making any change which will not expose you to further alteration, and that further alteration will force you to break down and finally abandon the tax. Nothing is more natural, nothing more plausible, than to say, "At least, let professions, let those who live by the energy of their minds, and by their physical toil at the same time, and whose income in a great degree depends upon their physical wellbeing and vigour—let them at least be rated at a different rate from others." But then those who are carrying on trade come and say, "Let us be placed in the same position as those who are in professional life." Then follows the question of the salaries of public officers, which are likewise gained by mental exertion, and which depend on the continuance of their capacity for working. Then comes the question of the land, which has a claim of its own, of an allowance for repairs. Well, then, where do you arrive at last? Why, you arrive at this, that every schedule is altered excepting that which relates to the public funds; and that question of the public funds is one which I hope will never be dealt with by this House in the spirit in which it was treated to-night by the hon. and learned Gentleman the Member for East Suffolk. The hon. and learned Gentleman stated to the Committee that one principle was to leave untaxed incomes derived from the funds, but that if you did not take that course there was no limit beyond which you might not tax that income. That is a principle which would lead one at once to the brink of a breach of the public faith. There are two principles, the one a theoretical and the other a practical principle, included in the present system of rating of the public funds. The theoretical principle is that laid down by Mr. Pitt, and is a just principle; but I must say it goes as far as justice would permit in the taxation of this country. It is this:—We tax income, but not any particular income; we tax all income from whatever source it is derived, and treat it as income. Well, in that case the fundholders may seem to have some security, but when you say to them—"We tax you at *7d.* and others at *5¼d.*, because the source of your income is more permanent than that of others," the fundholder would be entitled to say—"If you come to the sources of income, you have no right to tax our property at all—you must abandon your tax on funded property altogether." But there is besides this a practical principle, and it is this:—the fundholder's security is, that if you lay a tax upon incomes equally, his tax will not be excessive, because he is guarded by the taxation of the rest of the community. If you say there shall be a general tax of 10 per cent, it will be a security to him that you are not likely to go as high as 20, or 30, or 40 per cent. But if you tax the fundholders alone, separating them from the other classes, there is no reason why you should not impose a duty of 5 per cent on other classes, and 50 per cent on the fundholder; therefore his practical security is in equal taxation, and therefore it was that I viewed with alarm and apprehension the proposal which was made by the right hon. Gentleman opposite when he was Chancellor of the Exchequer, that, in the case of Ireland, funds and salaries should be alone taxed. That was a beginning, and a very serious beginning; the commencement of a plan by which the fundholder should be taxed alone, by which the interest of the fundholders should be separated from that of the rest of the community, and we should have an authority and a precedent at any convenient moment by which that large sum which we have to pay to the public creditors of this country should be diminished to any extent which Parliament, in its want of honesty and discretion, might think proper. These, then, appear to me the general principles by which my right hon. Friend and the Government have been guided with respect to the income tax. We have studied the question, and although the right hon. Gentleman opposite (Mr. Disraeli) now denies that he ever said that he had not time to look into the schedules, he has almost confirmed that statement by the observations he has made to-night; because he said that he did not go into the question of the way in which the variation of the tax was to be effected because he had two or three months' time to consider them, and that he reserved to himself the power of going into those principles during the recess which was to follow Christmas. But the right hon. Gentleman did not tell us then, and he has not told us now, in what way he was to make those just distinctions which he promised to make with regard to incomes. And therefore I must believe, I am sorry to believe, that, having the authority of Mr. Pitt, the authority of Lord Lansdowne in 1806, and the authority of Sir Robert Peel in 1842, all opposed to his own, he did not think it incumbent upon him, in regard to his duty as Chancellor of the Exchequer, nor did he think it worth his while, to go into the particulars of the change that he would propose in the rating of the income tax before he came down to the House and proclaimed a mode of levying the tax, from which, as I think, evil results would come. With regard to the extension of the income tax to incomes of 100*l.*, that is a question on which the right hon. Gentleman himself made a proposal; but here I must remark on an observation that was made by my right hon. Friend the Member for Portsmouth (Sir F. Baring), which seemed to have a great deal of force in it, but is not applicable to the proposition of the Chancellor of the Exchequer. My right hon. Friend says, "If you propose a term to this income tax, and see the end of it before you, it is not a fitting occasion to extend it to classes by which it is not now paid; it is," he said, "like a man who, owing 15*l.*, borrows 5*l.* more, in order that he may have 20*l.* to pay;" but my right hon. Friend quite omitted from this calculation that the proposition of the Chancellor of the Exchequer is, that although there is a certain amount of revenue to be derived from the income tax at present, there is to be a diminution of it before we come to the termination, and that at the end of six years, instead of 6,000,000*l.* or 5,500,000*l.*, the sum which the House of Commons will have to deal with will be 4,500,000*l.*, and no more. So that the Chancellor of the Exchequer has, in fact, taken the precaution of making the sum with which Parliament will have to deal a smaller sum than that with which they would now have to deal if he proposed at present to abrogate this tax. There is another question in reference to this subject, on which my right hon. Friend the Member for Portsmouth likewise touched, and which has been also commented upon with great force by the hon. Member for Belfast (Mr. Cairns). The hon. Member for Belfast said, "You ought not to extend this tax to Ireland," and he gives his reason for it. He said, "You propose to take off the consolidated annuities, which is due, in justice to those who now pay them, and to impose an income tax on the whole community in Ireland to make up the deficiency;" but I would state the case precisely in the opposite way. I will say, in the first place, that there is no claim, in justice, for the remission of the consolidated annuities; but I would say the case is this: You have a tax which is the means and machinery which you use in order to obtain the remission of other duties, many of which have been already taken off, and some of which are going to be reduced or taken off, and which press upon the whole community of the United Kingdom. What is the reason that Ireland should not bear such a tax: if Ireland, like the rest of the United Kingdom, is to receive great benefits from it, though not in the same proportion as this country, why is she not to bear her part of the burden? The answer that has been given to that—and it was a sufficient answer in 1848, and I think might, under different circumstances, be a sufficient answer now—is, "Why, a great burden has been imposed upon Ireland in consequence of the calamity of famine, and the debts contracted to feed the people." Well, we say, we will take away the objection by removing from you that burden, and thus we immediately take away that reason for exemption. Then Belfast, which had no claim whatever to be exempted from the income tax, falls, like Liverpool and Glasgow, into the category of those communities on which the income tax should be imposed. The distress that had prevailed in the western and southern parts of Ireland has been urged as an objection against imposing the income tax upon that country by hon. Gentlemen opposite; but in the year 1848, when that country was far more distressed than it is now—when the remains of the famine were still pressing upon that part of Ireland—an hon. Friend of mine, the Member for Marylebone (Sir B. Hall), made a Motion to impose the income tax upon Ireland. He proposed no remission of those debts, which then were heavier than they are now, and when the country was less able to pay them; and the right hon. Member for Buckinghamshire (Mr. Disraeli), and the right hon. Member for Oxfordshire (Mr. Henley), and many others of their particular friends and followers, voted with the hon. Member for Marylebone. Well, Sir, the right hon. Gentleman (Mr. Disraeli) has to-night treated us with a dissertation upon the inconsistency which he finds in some Gentlemen sitting on these benches; but a more glaring example of inconsistency than that to which I have just referred, could hardly be found. With regard to the effect of the relief given to Ireland, and the burdens imposed on her by the Budget, I do not think that the figures will show that by this proposition so great a burden will be imposed as some hon. Gentlemen opposite seem to think. Taking the income tax for seven years at 400,000*l.*, the succession tax at 60,000*l.*, spirits 98,000*l.*, the entire will make 558,000*l.* The relief from the consolidated annuities will be 245,000*l.*, the tea duty 375,000*l.*, small items 50,000*l.*, making altogether 670,000*l.*, from the payment of which Ireland will be relieved. In the year 1860, according to the figures, Ireland will be relieved from 670,000*l.*, and the only duty imposed upon her will be the legacy duty and the spirit duty, amounting to 158,000*l.*, leaving 512,000*l.* a year as the balance of remissions in her favour. But, Sir, I must say that I think upon this subject Gentlemen have looked rather too much to the value of these particular figures, and not to the general interests of Ireland upon the question of finance. I, at least, have long considered that the disadvantage of Ireland in questions of finance has been that the very high duties on consumption that have been placed on Great Britain, and have been hardly borne by Great Britain, were likewise placed upon Ireland, and that in Ireland they totally prevented consumption. I remember a remarkable illustration of this, that was stated by my lamented Friend Lord Sydenham, in a speech of his on financial subjects; he stated that in the year 1807 the revenue of Ireland amounted to 4,378,000*l.* Between that year and the conclusion of the war, taxes were successively imposed, which, according to the calculations of Chancellors of the Exchequer, were to produce 3,400,000*l.*, or to augment the revenue to the extent of 7,700,000*l.* What was the result? In the year 1821, when that amount, less than 400,000*l.* for taxes afterwards repealed, ought to have been paid into the Exchequer, the whole revenue of Ireland amounted only to 3,844,000*l.*, being 534,000*l.* less than in 1807. This was not the effect of the income tax, or of a direct tax—it was the effect of the taxes upon the great articles of consumption; and if such were the effects of taxes of that kind, I say, great as were the advantages to this country of the changes that were made in the Customs, in the year 1842 and in the year 1845, by Sir Robert Peel, and which have been since made by the Government that followed, they must have been of still greater consequence to Ireland than to England; and that the means afforded of consuming sugar and coffee, and of consuming, by the proposition now made, the article of tea, enables the people of Ireland to consume articles which hitherto they did not consume, and will thereby be of great advantage to that part of the Empire. Therefore, I do not consider the question of the immediate effect of direct taxation, but, more, the question of that sort of taxation that affects the consumer, and must affect the poor consumer far more than the rich. Having stated those views with regard to the income tax, I certainly shall not think it necessary to-night to go much into any other part of the Budget; though perhaps I may refer to certain former opinions of mine which have been quoted by hon. Members in this debate as making against the proposition that is now before the Committee. Several hon. Gentlemen have referred, in terms of which I cannot complain, to the opposition which I made in 1842 to the proposition for an income tax. It certainly was my opinion at that time that without an income tax the country might have derived sufficient income to replace the deficiency that then existed, and accordingly I proposed by Resolution that by a judicious alteration of the duties on corn, by a reduction of the prohibitory duties on foreign sugar, and an adjustment of the duties on timber and on coffee, the advantages of a moderate price to the community might be combined with increased revenue to the country. That was the only course which I thought at that time it was right to pursue. The House of Commons, however, took another course. They imposed an income tax and made other reductions of duty; but in the following years—in the year 1846 more especially—they went much further with regard to corn and sugar than I had proposed in 1842. And, looking back to what happened at that time, and seeing what has happened since, I am bound to say that I think, upon the whole, the course which has been taken by Parliament, comprising the repeal of the corn duty and the equalisation of the duty upon sugar, has been more beneficial to the country than the course proposed by me in the year 1842. The people of this country had indeed to pay for it that which I think was a very dear price, namely, the imposition of the income tax; but it is quite a different thing, having adopted that income tax, now to proceed upon the policy which the House of Commons would not pursue in 1842. As the matter at present stands, I believe the income tax to have been the means of relieving the country from very great burdens and from excessive duties; so likewise I believe it will be the means of relieving the country before 1860 from a very great pressure of duties which fall upon the consumer. In the year 1830 it was stated by Mr. Huskisson that the great evil of our taxation was, that such heavy indirect duties pressed upon the consumer, and that the rich did not pay an equivalent tribute to the revenue. In the last twenty-three years we have done much to take away that reproach, and to remove that evil; and I hold that we shall act wisely by continuing in the same course. The right hon. Gentleman (Mr. Disraeli), towards the conclusion of his speech, spoke much of the hardship of the legacy duty; but the hardship of the proposed legacy duty has been very much exaggerated. Even to-night one hon. Gentleman stated that 2,000,000*l.* of additional taxation were about to be placed upon land. Now really, the fact is, that there is already a heavy legacy duty upon a portion of the land, but there is another portion which is totally exempt from that taxation. Why, what can be more just and equal than to make that portion which has not yet contributed contribute also to this tax? It will not amount to 2,000,000*l.*, as is asserted, but to 500,000*l.*, or at most to 700,000*l.*; and be it observed, that when the tax comes to its full amount, the income tax will have been diminished to the extent of at least 700,000*l.* And let hon. Gentleman opposite observe, that if they were to adopt the Amendment to-night, this consequence would follow. My right hon. Friend proposes, that the income tax in two years should be diminished one penny, and in four years another penny, and that you can do if you take a uniform rate; but if you say that you will reduce it, according to the tenor of the Amendment of the hon. Member for Hertfordshire, to fivepence farthing upon certain classes, you can no longer afford to reduce it to sevenpence upon land. And what you are about to vote to-night by this Amendment is, not a proposal that will relieve the land, but one that will lay upon the land in 1855 a burden from which it would be free by the proposition of my right hon. Friend the Chancellor of the Exchequer. Sir, in the course of these discussions, beginning with the plan of proposing the removal of prohibitions and of differential duties, we have come in the course of time to the abolition of those duties which press more especially upon the people, and which have deprived them of many comforts, many necessaries, and many enjoyments. I believe that this House cannot more worthily consult the interests of the people than by pursuing this course. It was said last year—I think it was a proof of little wisdom in him who said it—that we should endeavour to rule this country so as to check the advances of democracy. You may depend upon it that the ruler who sets himself to check the advance of democracy, will but increase, will but irritate, will but ultimately make more triumphant, that power which he seeks to resist. But if you consult the interests of the people, you will make the democracy conservative—you will carry that democracy with you, instead of having to oppose it as an enemy. That, it seems to me, is the true policy for Parliament to pursue—neither neglecting the interests of the land nor the interests of trade, but consulting all together—showing no undue favour to any class, but adopting a course which each must acknowledge to be just. Sir, I rejoice that towards the termination of this course which Parliament has now for nearly twelve years pursued, my right hon. Friend the Chancellor of the Exchequer has had an opportunity of laying propositions before this House which, whether we consider those propositions themselves, or whether we consider the manner in which they were introduced, must give him a name to be envied amongst Finance Ministers of this country. And if, Sir, in order to achieve this, it has been his fortune to live laborious days, I trust that he will find his reward in the approbation and support of this House, and in the gratitude of an admiring people.

Question put, "That the words proposed to be left out stand part of the proposed Resolution."

The Committee *divided:*—Ayes 323; Noes 252: Majority 71.

List of the AYES.

Acland, Sir T. D.
A'Court, C. H. W.
Adair, H. E.
Aglionby, H. A.
Alcock, T.
Anderson, Sir J.
Anson, hon. Gen.
Atherton, W.
Baines, rt. hon. M. T.
Ball, J.
Baring, H. B.
Baring, rt. hon. Sir F.T.
Baring, hon. F.
Barnes, T.
Bass, M. T.
Beaumont, W. B.
Beckett, W.
Bell, J.
Bellew, Capt.
Benbow, J.
Berkeley, Adm.
Berkeley, hon. H. F.
Berkeley, hon. C. F.
Berkeley, C. L. G.
Bethell, R.
Biddulph, R. M.
Biggs, W.
Blackett, J. F. B.
Bonham-Carter, J.
Boyle, hon. Col.
Bramston, T. W.
Brand, hon. H.
Bright, J.
Brocklehurst, J.
Brockman, E. D.
Brotherton, J.
Brown, H.
Brown, W.
Browne, V. A.
Bruce, Lord E.
Bruce, H. A.
Bulkeley, Sir R. B. W.
Butler, C. S.
Byng, hon. G. H. C.
Cardwell, rt. hon. E.
Caulfeild, Col. J. M.
Cavendish, hon. C. C.
Cavendish, hon. G.
Challis, Mr. Ald.
Chambers, T.
Charteris, hon. F.
Cheetham, J.
Christy, S.
Clay, Sir W.
Clifford, H. M.
Clinton, Lord R.
Cobden, R.
Cockburn, Sir A. J. E.
Cocks, T. S.
Coffin, W.
Collier, R. P.
Colville, C. R.
Cowan, C.
Cowper, hon. W. F.
Craufurd, E. H. J.
Crook, J.
Crossley, F.
Crowder, R. B.
Cubitt, Mr. Ald.
Currie, R.
Dashwood, Sir G. H.
Davie, Sir H. R. F.
Denison, E.
Denison, J. E.
Dent, J. D.
Divett, E.
Drumlanrig, Visct.
Drummond, H.
Duff, G. S.
Duff, J.
Duke, Sir J.
Duncan, G.
Duncombe, T.
Dundas, G.
Dundas, F.
Dunlop, A. M.
East, Sir J. B.
Egerton, W. T.
Egerton, E. C.
Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Euston, Earl of
Evans, Sir De L.
Evans, W.
Evelyn, W. J.
Ewart, W.
Feilden, M. J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R.
Ferguson, J.
Fitzgerald, J. D.
Fitzgerald, Sir J. F.
Fitzroy, hon. H.
Forster, C.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gardner, R.
Geach, C.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Gladstone, Capt.
Glyn, G. C.

Goderich, Visct.
Goodman, Sir G.
Goold, W.
Gordon, Adm.
Goulburn, rt. hon. H.
Gower, hon. F. L.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, T.
Gregson, S.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hadfield, G.
Hall, Sir B.
Hanmer, Sir J.
Harcourt, G. G.
Harcourt, Col.
Hastie, A.
Hastie, A.
Headlam, T. E.
Heard, J. I.
Heathcote, Sir G. J.
Heathcote, G. H.
Heneage, G. H. W.
Heneage, G. F.
Herbert, H. A.
Herbert, rt. hon. S.
Hervey, Lord A.
Heywood, J.
Heyworth, L.
Higgins, G. G. O.
Hindley, C.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Howard, Lord E.
Hudson, G.
Hughes, W. B.
Hume, J.
Hutchins, E. J.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Jackson, W.
Jermyn, Earl
Johnstone, J.
Johnstone, Sir J.
Keating, H. S.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Kirk, W.
Labouchere, rt. hon. H.
Laing, S.
Langston, J. H.
Langton, H. G.
Laslett, W.
Lawless, hon. C.
Lawley, hon. F. C.
Legh, G. C.
Lemon, Sir C.
Lewis, rt. hon. Sir T. F.
Lindsay, hon. Col.
Locke, J.
Lockhart, A. E.
Loveden, P.
Lowe, R.
Luce, T.
Macaulay, rt. hon. T. B.
Mackie, J.
MacGregor, J.
MacGregor, J.
M'Taggart, Sir J.
Mangles, R. D.
Marshall, W.
Martin, J.
Massey, W. N.
Masterman, J.
Matheson, A.
Matheson, Sir J.
Maule, hon. Col.
Miall, E.
Milligan, R.
Mills, T.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Moncreiff, J.
Monsell, W.
Moreton, Lord
Morris, D.
Mostyn, hon. E. M. L.
Mure, Col.
Murphy, F. S.
Murrough, J. P.
Norreys, Lord
Norreys, Sir D. J.
O'Brien, C.
O'Connell, M.
O'Flaherty, A.
Oliveira, B.
Osborne, R.
Otway, A. J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord G.
Palmerston, Visct.
Patten, J. W.
Pechell, Sir G. B.
Peel, Sir R.
Peel, F.
Pellatt, A.
Pennant, hon. Col.
Peto, S. M.
Phillips, J. H.
Phillimore, J. G.
Phillimore, R. J.
Phinn, T.
Pigott, F.
Pilkington, J.
Pinney, W.
Pollard-Urquhart, W.
Ponsonby, hon. A. G. J.
Portman, hon. W. H. B.
Powlett, Lord W.
Price, Sir R.
Price, W. P.
Pritchard, J.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Rumbold, C. E.
Russell, Lord J.
Russell, F. C. H.
Russell, F. W.
Sadleir, J.
Sandars, G.
Sawle, C. B. G.
Scholefield, W.
Scobell, Capt.
Scrope, G. P.
Scully, F.
Scully, V.
Seymour, Lord
Seymour, H. D.
Seymour, W. D.
Shafto, R. D.
Shelburne, Earl of
Shelley, Sir J. V.
Sheridan, R. B.
Smith, J. B.
Smith, rt. hon. R. V.
Smyth, J. G.
Stafford, Marq. of
Stanley, hon. W. O.
Stephenson, R.
Stirling, W.
Strickland, Sir G.
Strutt, rt. hon. E.
Stuart, Lord D.
Stuart, H.
Tancred, H. W.
Thicknesse, R. A.
Thompson, G.
Thornely, T.
Townshend, Capt.
Traill, G.
Tufnell, rt. hon. H.
Tynte, Col. C. J. K.
Vane, Lord H.
Vernon, G. E. H.
Villiers, rt. hon. C. P.
Vivian, J. H.
Vivian, H. H.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Warner, E.
Wellesley, Lord C.
Wells, W.
West, F. R.
Whalley, G. H.
Whatman, J.
Whitbread, S.
Wickham, H. W.
Wilkinson, W. A.
Willcox, B. M.
Williams, W.
Wilson, J.
Winnington, Sir T. E.
Wise, A.
Wood, rt. hon. Sir C.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyndham, W.
Wyvill, M.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Mulgrave, Earl of

List of the NOES.

Adderley, C. B.
Alexander, J.
Annesley, Earl of
Anson, Visct.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Baillie, H. J.
Baird, J.
Ball, E.
Baldock, E. H.
Bankes, rt. hon. G.
Baring, T.
Barrington, Visct.
Barrow, W. H.
Bateson, T.
Bennett, P.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bernard, Visct.
Blair, Col.
Blake, M. J.
Bland, L. H.
Boldero, Col.
Booth, Sir R. G.
Bowyer, G.
Brady, J.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. B. M.
Burghley, Lord
Burke, Sir T. J.
Burrell, Sir C. M.
Burroughes, H. N.
Butt, G. M.
Butt, I.
Cabbell, B. B.
Cairns, H. M.
Carnac, Sir J. R.
Cayley, E. S.
Chandos, Marq. of
Chelsea, Visct.
Child, S.
Christopher, rt. hon. R. A.
Clinton, Lord C. P.
Clive, hon. R. H.
Clive, R.
Cobbold, J. C.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Conolly, T.
Coote, Sir C. H.
Corbally, M. E.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.
Davison, R.
Devereux, J. T.
Disraeli, rt. hon. B.
Dod, J. W.
Drax, J. S. W. S. E.
Duckworth, Sir J. T. B.
Duffy, C. G.
Duncombe, hon. A.
Duncombe, hon. W. E.
Dunne, M.
Dunne, Col.
Emley, Visct.

Esmonde, J.
Fagan, W.
Farnham, E. B.
Fellowes, E.
Floyer, J.
Follett, B. S.
Forbes, W.
Forester, rt. hon. Col.
Forster, Sir G.
French, F.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Gallwey, Sir W. P.
Galway, Visct.
Gaskell, J. M.
George, J.
Goddard, A. L.
Gooch, Sir E. S.
Gore, W. O.
Granby, Marq. of
Greaves, E.
Greene, J.
Greville, Col. F.
Grogan, E.
Guernsey, Lord
Gwyn, H.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Hardinge, hon. C. S.
Hawkins, W. W.
Hayes, Sir E.
Henchy, D. O.
Henley, rt. hon. J. W.
Herbert, Sir T.
Hildyard, R. C.
Hill, Lord A. E.
Hotham, Lord
Hume, W. F.
Irton, S.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Keating, R.
Kelly, Sir F.
Kendall, N.
Kennedy, T.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Laffan, R. M.
Langton, W. G.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Liddell, H. G.
Lockhart, W.
Long, W.
Lovaine, Lord
Lowther, hon. Col.
Lucas, F.
Lytton, Sir G. E. L. B.
Macartney, G.
Mackenzie, W. F.
M'Cann, J.
M'Mahon, P.
Maddock, Sir H.
Magan, W. H.
Maguire, J. F.
Malins, R.
Manners, Lord G.
Manners, Lord J.
March, Earl of
Mare, C. J.
Maunsell, T. P.
Maxwell, hon. J. P.
Meagher, T.
Meux, Sir H.
Miles, W.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Moore, G. H.
Moore, R. S.
Morgan, O.
Morgan, C. R.
Mullings, J. R.
Mundy, W.
Muntz, G. F.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Neeld, J.
Newark, Visct.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Oakes, J. H. P.
O'Brien, P.
O'Brien, Sir T.
Ossulston, Lord
Packe, C. W.
Pakenham, E.
Pakington, rt. hn. Sir J.
Palmer, R.
Parker, R. T.
Peacocke, G. M. W.
Percy, hon. J. W.
Portal, M.
Potter, R.
Power, N.
Prime, R.
Pugh, D.
Repton, G. W. J.
Robertson, P. F.
Rushout, Capt.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Shee, W.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Smyth, R. J.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stanhope, J. B.
Stanley, Lord
Sturt, H. G.
Sullivan, M.
Swift, R.
Talbot, C. R. M.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Turner, C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vivian, J. E.
Vyvyan, Sir R. R.
Vyse, Capt. H.
Waddington, D.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Wigram, L. T.
Williams, T. P.
Wodehouse, E.
Worcester, Marq. of
Wyndham, Gen.
Wynn, H. W. W.
Yorke, hon. E. T.

TELLERS.

Mandeville, Visct.
Taylor, Col.

The House resumed.

Committee report progress; to sit again on *Wednesday.*

THE BOROUGH OF RYE.

Mr. TUFNELL said, he would now move that a new writ should be issued for the borough of Rye. The Committee presided over by the right hon. Member for Droitwich (Sir J. Pakington), which inquired into the state of this borough, had reported that the existence of direct money bribery had been disproved, though it certainly appeared that an extensive system of corrupt loans prevailed. Now, although nothing could be more fatal than this to the independence of boroughs, still, as the Committee had not reported in favour of the issue of a Commission of Inquiry into the borough, he thought that the House could not take any further steps in the matter, and that they would not therefore be justified in longer withholding the writ.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Baron to serve in this present Parliament for the Town and Port of Rye, in the room of William Alexander Mackinnon, esquire, whose Election has been determined to be void."

Sir JOHN PAKINGTON said, that although he thought it was of the highest importance that the House should take steps to put an end to the system of corrupt loans which had prevailed in the borough of Rye, he did not think that, pending the adoption of such measures, they would be justified in withholding the issue of the writ.

Mr. FREWEN said, many of his constituents were anxious to have this case fully investigated; but after the statement of his right hon. Friend he would not divide the House on the subject.

Sir JOHN TROLLOPE said, as Chairman of the General Committee on Election

Petitions, it was the feeling of the Committee that many corrupt practices existed which never came before the Committees in consequence of compromises, withdrawal of petitions, and such like; and it would not be out of place to state now that it was his intention, when all these cases were closed, to call the attention of the House and of the noble Lord opposite (Lord John Russell) to the state of the law as it at present existed, with a view to provide a remedy.

MR. BASS said, he could not consent to the issuing of the writ, as it was proved that various sums of money had been lent for corrupt purposes, and there was no proof that that power had ceased. He would therefore move that the debate be adjourned.

Debate *adjourned* till To-morrow.

The House adjourned at Three o'clock.

HOUSE OF LORDS,

Tuesday, May 3, 1853.

MINUTES.] PUBLIC BILLS.—1ª Chimney Sweepers Regulation Act Amendment.

2ª Burghs (Scotland); Charitable Trusts; Cathedral Appointments.

Reported. — Lunacy Regulation; Lunatic Asylums; Lunatics Care and Treatment.

3ª South Sea and other Annuities Commutation.

CHARITABLE TRUSTS BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR moved the Second Reading of this Bill, and said, it was he must confess, in his opinion, a scandal on the country that it should fall to the lot of any one in the year 1853 to propose the second reading of a Bill like the present, the object of which was to establish the means of efficiently administering and rendering useful the charitable trusts of this country. But so it was. This subject had been so often before their Lordships' House and the other House of Parliament, that he should deem it an unwarrantable waste of time if he went into any great detail as to what had already been done, or the course which legislation had taken, in connexion with this matter. It would be sufficient for him to call attention to the fact that it was now fast approaching forty years—considerably more than thirty-five years—since his noble and learned Friend (Lord Brougham), who was so much distinguished for his zeal and ability in reference to this subject, directed the attention of the House of Commons to the abuses, first of the educational charities, and afterwards of the charities generally, throughout the kingdom. After one or two Motions, it was in 1818, that his noble and learned Friend first obtained an Act of Parliament which constituted the original Charitable Trusts Commission. It was supposed that the labours of the Commissioners appointed under that Act, of whom there were fourteen, eight of whom were paid, would be terminated in the course of two years. Their powers, in the first instance, were limited to educational charities, but afterwards they were extended generally to all charities; and it soon became perfectly manifest that it was a very delusive idea to suppose that the inquiries of the Commissioners could be concluded in that period. The Commissioners made several reports, and it was not unworthy of notice that so long ago as 1820, they made a report, in which they pointed out to the attention of the Legislature and of the country, that until some cheap and expeditious mode of dealing with the abuses of charities was instituted, all inquiry on the subject would be idle. The Commission to which he had referred continued its functions under Acts of Parliament until they terminated in 1830; but in the following year his noble and learned Friend (Lord Brougham), who was then on the woolsack, obtained another Act of Parliament, by which the Commission was renewed and continued to prosecute its inquiries until 1834; when that Commission also expired. In 1835, Parliament and the country being anxious to bring the matter to a close, a new Commission, consisting of not less than thirty members, was appointed, who had the duty imposed on them to terminate their labours in two years. They, consequently, investigated all, or nearly all, the charities in the country, not previously reported on, and their labours concluded in 1837. These various Commissions, from first to last, made no less than thirty-two reports, accompanied by a mass of evidence which would take almost half a lifetime to master. Their reports and evidence were contained in thirty-eight closely printed folio volumes; and he need hardly say that a work so voluminous carried with it the destruction of its own object, for the practical effect was that no person ventured even to look into it. Nevertheless, summaries of the evidence, and the reports of the Commissioners without the evidence, being more readable, the attention of Parliament was called to the subject, and after the lapse of two or three years, several attempts at legislation founded on the reports were made. It was quite unnecessary to give a minute description of all those attempts. He believed that the first attempt to introduce a Bill founded on the reports of the Commissions was made by a right hon. Friend of his (Sir G. Grey), in the other House, somewhere about 1840, but it ended in nothing being done. Then the Government of the late Sir Robert Peel took up the subject, and his noble and learned Friend who then held the Great Seal (Lord Lyndhurst), introduced a Bill on the subject in their Lordships' House in 1844, which, however, did not pass; and in 1845 the same Bill—at least, it was very much the same —was again introduced in their Lordships' House, through which it passed; but it was not taken up by the other House. In 1846 another Bill was introduced, but was not prosecuted to a successful issue; and there ended the attempts at legislation on the part of his noble and learned Friend (Lord Lyndhurst). The late Lord Cottenham, who succeeded to the woolsack, introduced a Bill on the subject in 1847, differing in some material respects from the measure of Lord Lyndhurst, which, not passing, was renewed in 1848, again in 1849, and again, he believed, in 1850. These frequent and ineffectual attempts at legislation, led, however, to the constitution of a new Commission, not like the former Commissions, which were composed of paid and professional members, but one under the sign manual, directed to several noble Lords—one of whom he saw opposite, who had rendered eminent service to his country, and to other Members of Parliament—a Master in Chancery, and barristers, who were instructed to look into the matter and the reports already made, and which from their voluminous character were too extensive for individual inquiry. In the course of the inquiries made by the Commissioners he had previously referred to, it must not be understood that they did nothing but make reports. Such a notion would constitute a very inadequate idea of the services rendered by them. They reported from time to time specific cases of abuse, to which the attention of the Attorney General was directed, and in 400 instances the Attorney General had prosecuted for abuse, and regained great sums for the benefit of the charities. Neither was the usefulness of these proceedings to be measured merely by the number of cases in which the Attorney General actually interfered, for the natural effect of their interference led to right being done in many other instances where under other circumstances the evil would have passed uncorrected. Still much remained to be done; for it was idle to talk of proceeding in the Court of Chancery as to the great bulk of these charities. It had been ascertained pretty accurately that the institution of proceedings in Chancery on the subject of a charitable fund which did not yield more than 30*l.* a year, would necessarily absorb the whole of the capital—from 600*l.* to 1,000*l.*—even if the parties prosecuting were successful. Therefore, though the Commissioners had done essential good with respect to the larger charities, yet the main mass of abuses, which consisted of abuses of the smaller charities, was perfectly irremediable by any existing means, and unless some other plan could be suggested. The number of charities to be investigated was stated at no less than 28,840: whether that was the whole number in the kingdom might be matter of doubt, but he would take it at that amount. It would be matter of surprise that of these 28,840 charities 22,760 were charities below 30*l.* a year. Combining that with the statement he had previously made, the result was that not fewer than 22,760 charities were practically without the pale of the law—that there was no tribunal which practically was calculated to deal with them. That being so, the Commission to which he had last alluded —the one instituted under the sign manual —made a report on the subject eminently characterised by good sense, recommending that there ought to be not only a cheap mode of settling all matters connected with such trusts judicially, but that there ought to be some permanent, efficient, responsible body which should have the superintendence of them, and be placed in such a situation of authority that their control might be relied on. In pursuance of this report of the Commissioners, which was made in 1850, the Government in 1851 introduced a Bill embodying very many of their recommendations. That Bill was brought in by a noble and learned predecessor of his, not now in his place from illness (Lord Truro), and, after being read a second time, was referred to a Select Committee, where it underwent a long investigation, and received several material Amendments which were adopted by their Lordships, who passed the Bill, and sent it down to the other House of

Parliament. Unfortunately, however, this occurred at too late a period of the Session to admit of the Bill passing through that House, and nothing was done with it then. One of the first acts of the Government in the succeeding Session of 1852 was to reintroduce the same measure in the House of Commons, which was done by the Attorney General. On that occasion the Bill was read a second time, he believed without discussion, a request having been made and complied with that the principle of the measure should be discussed on the Motion for the House going into Committee. But in the meantime a change of Government took place; the new Attorney General, Sir F. Thesiger, however, took up the Bill, moved that it should go into Committee, and, in a very able and lucid statement, explained what were its objects. From some cause, however, with which he (the Lord Chancellor) was unacquainted, the Bill was dropped, and did not pass. It now, therefore, became the duty of the present Government to take up the subject again. In doing so the Government claimed very little credit for originality. Some change it had become necessary to make, for this reason:—The judicial machinery proposed by the former Bill provided that the case of charities under 30*l.* should be dealt with by the County Courts; from 30*l.* to 100*l.* by the Masters in Chancery; and above 100*l.* by the Court of Chancery. Some change was forced on them, however, because the office of Master in Chancery, as a tribunal, was abolished. As regarded the Board of Superintendence proposed by the Commissioners, the recommendation was that it should be a Board consisting of two or three paid and unpaid Members. Now, in considering the change it had become necessary to make in the judicial tribunal, the Government took it into their serious consideration whether a useful change might not be made also in the constitution of the Board; and, on both these subjects, the one being a change called for by necessity, and the other a change desirable but not the result of necessity, he would state to their Lordships what the present Bill proposed. In the first place, they must consider what would be the duties of the Board. The duties of the Board would be to exercise a general superintendence over all the charities of the kingdom, at no expense whatever to the smaller charities; indeed, he might say, at no expense to any. One of the most efficient modes—and that, perhaps, on which practically everything would turn—for making the plan efficient, would be to make it the imperative duty of the trustees of every charity to keep regular accounts of all their receipts and expenditure, be the sums great or small; and annually to deposit a copy of them with the clerks of the County Courts, and another copy to be submitted to the Board in London, where they would be always accessible to inspection. This provision of itself, he apprehended, would have a most material effect in preventing abuses. And, when he said "abuses," he thought it right to state his belief that nine-tenths of the abuses that existed were the result of ignorance. He believed that when accounts were regularly rendered, and the attention of all parties concerned drawn to the nature of the expenditure, the greater part of these abuses would be corrected. The Board would also be called on to perform a function that would be exceedingly useful, and which had been recommended by the Commission. It often happened that the trustees who administered the funds of charities were at a loss in particular cases how to act; and it was proposed that they should be at liberty, without expense, and merely by writing to the Secretary of the Board, to obtain in such cases the advice of the Board as to what they should do, which would indemnify them till corrected by the judicial tribunals. He did not mean to say that this was a course absolutely free from difficulty; but, considering the nature of the case, and that it was impossible to have an actual legal investigation, there was at least some advantage in arriving at an approximation to a removal of the evils, and he believed that for such a purpose this would be found an essentially useful provision. He was the more inclined to think this from what he had been informed on the best authority, that endless letters were now received from persons asking what they ought to do in certain given circumstances, but which letters there was no competent authority to answer. There was another function which the Board would have to exercise that he regarded as also one of the greatest importance. It was proposed that they should have the power of directing legal proceedings to be instituted; and, what was of not less importance, of forbidding them to be instituted. Gross abuses had arisen in many cases from parties not being called to account; and there had also been abuses not less gross, leading to results not less ruinous to the charities, from the institution of proceedings. It was no new thing that proceedings of this kind should be under the control of a public Board, and of a Government Board, because in form they never could be instituted without the sanction of the Government—that was to say, the Attorney General—though it was no contradiction to say that the Attorney General had no adequate machinery for investigating whether a man was acting for the benefit of a charity when he instituted proceedings, or whether they might not have been dictated by some low professional person, who wished to make a gain of the matter. It was proposed, therefore, that the Board should have control over all legal proceedings—that none should be instituted without their sanction—and none ended without their approval. The Bill contained another clause to which he attached great importance—it applied to a class of cases, in which it was most important that all who had the management of trust property should have the power of dealing with it in the same manner as individuals. Cases often arose in which the interests of a trust required that the trustees should have power to build houses, to exchange land, and sometimes to purchase and to sell land. In some cases trustees were invested with this power, in others not. Where there was no power in the trustees to do these things, it was sometimes necessary to apply to Parliament at a great expense—never less, he believed, than 600*l*. Now it was proposed that in all these cases this Board should have the power of authorising the trustees to do that which under their ordinary powers they would not have the power to do, and for which consequently they would otherwise have to apply to Parliament to acquire power to do. All these were powers that were proposed to be conferred upon the Board as it was constituted by the former Bill; and on that part of the case he did not anticipate there would be any real difference of opinion. The present Bill proposed to give to the Board powers that were not given to the Board as constituted by the Bill of 1851, and to these it was possible some of their Lordships might have an objection. In the first place, many of these charities, though they were covered by the name of "charities," were anything but beneficial to the recipients. There were none of their Lordships who had made the least inquiry into such matters who had not heard the greatest complaints made of the nuisance created by what was called "a charity" in a town where it existed. The reports made on this subject were rife with this sort of cases, and it would be idle and pedantic in him to call their Lordships' attention to many of them; but he might mention one or two instances. There was a village on the confines of Radnorshire in which there was a charity called "Jarvis's Charity," of 3,000*l*. or 4,000*l*. a year, where the fund was appropriated to provide meat, drink, and physic for the poor, with an express prohibition against the trustees devoting any part of the funds to building. In consequence of the existence of this charity, cottages had become exceedingly numerous in the neighbourhood, a large influx of inhabitants from the neighbouring villages took up their residence there, and the amount of immorality, vice, and profligacy which prevailed was frightful, so much that the charity had become an intolerable nuisance. Proceedings were instituted in order to get rid of the nuisance. The case was brought before the Court of Chancery; but that Court having no power to legislate on the subject, all that they could do was to execute the trust according to the will of the founder, and sanction an application to Parliament for the purpose of getting a portion of the fund devoted to the building of schools and the education of the poor of the parish. In the town of Macclesfield and Sandbach certain funds of a charity were devoted to almshouses, and others to schools. The school fund was not sufficient for the purpose, and the almshouse fund was more than was required, and, as in the former case, great abuses were the consequence. Here, again, the Court of Chancery authorised an application to Parliament for an Act to enable the parties to devote a portion of the alms fund to the erection of schools. Now, in the case of a great charity, there were the means of setting matters right; but in the case of the poor charities such means did not exist. What was urgently required in such cases as these was some mode of dealing with the property, instead of going through this expensive process, the great expense of which prevented the smaller charities from effecting desired improvements. The Bill, therefore, proposed to give to the Board the power of dealing with the charities in four instances, namely, first, where the object of the charity had wholy failed, and it had become impossible to carry it into effect; secondly, where the object itself had not failed, but where it had failed of doing what might be supposed to have been the intention of the founder, or tended to the encouragement of pauperism or immorality; thirdly, where two or more charities existed for somewhat similar purposes, but the funds of neither were sufficient for its own object, but when united they might do good; fourthly, where in the case of charities which had been founded above sixty years—it was not proposed to touch modern charities—it was found that the result expected was totally inadequate to the funds applied to it; in each of these cases it was proposed that the Board might sanction a different application of the funds, with, however, some necessary safeguards. First of all, if the trustees who had the management of a charity concurred with the Board in thinking that the alteration was necessary, then the Board might frame a new scheme for the application of the funds to useful instead of injurious or useless purposes. The new scheme in which both thus concurred would be laid before both Houses of Parliament; and if neither House, by resolution, objected to it within three months, then the scheme was to have the same power as if authorised by Act of Parliament; if, however, the trustees did not concur, all the Board could do was to lay their scheme before Parliament; and then, instead of a private Bill being introduced at great expense, Parliament was authorised to interfere if it thought fit, by a Public Act. He could not but think that this was a power that should be lodged somewhere, even at the risk of giving too great a power to some one body; but, unquestionably, it was a power which should be in the hands of persons whose conduct would be before the public, and whose motives were not likely to be called in question. It was with that view that, in conferring these high privileges, the Government thought the Government itself should be responsible for any advice given; and instead, therefore, as was proposed in the Bill of 1851, of having two paid Commissioners and two unpaid, it was proposed to make the Board a branch of the Government, including in it the Lord President of the Council, and other Members of the Cabinet—one or more of the latter to be Members of the House of Commons—and three Members of the Privy Council, who should appoint two legal gentlemen of high attainments, upon whom of course the more laborious part of the business would devolve, to be inspectors; and they were also to appoint another legal gentleman of standing to be their secretary. In the former Bill it was proposed that the expense of the Commission should be defrayed by levying a small tax on all the charities; but when the matter came to be investigated it was found that the collection of such a tax would be attended with enormous difficulties. There were not fewer than 13,000 charities under *5l.* a year—there were many thousands under *2l.* a year; and what kind of machinery would it not require to collect a tax that in some cases would amount to only a penny or twopence a year? And it would be unfair to expect that the larger charities should bear all the expense. The Government, therefore, having considered the matter, had come to the conclusion that, considering the great benefits which would be conferred upon the community by the better management of charitable trusts, it would probably not be too much to say that the expense, which would not be more than 5,000*l.* or 6,000*l.* a year, should be paid out of the public exchequer. The two legal Members of the Board should go into the country and make inquiries on the spot in every case which required investigation. It was also proposed that the two gentlemen connected with the Board as Inspectors should be deputed to visit different towns and report upon charities, as occasion required, for the purpose of bringing justice home at once to the door of the different charities. It might be objected that the clauses of the Bill relating to this part of the subject would invest those officers with inquisitorial powers. But we had to deal with a choice of difficulties, and it was not likely that more inconvenience and danger would result from the exercise of these powers than from leaving matters as they were; and as the results of these inquiries and the reports of the inspectors would be made public, and submitted to Parliament, he apprehended that no objection could be taken to this portion of the Bill. And now, with respect to the judicial tribunals for dealing with the charities. The present measure adopted the provision contained in the last Bill for giving the County Courts jurisdiction over all charities not exceeding 30*l.* in amount. The County Court Judges were, he believed, zealous and learned persons, and, with the safeguards provided by the Bill, no real mischief was likely to arise from intrusting the Judges of the County Courts generally with this new jurisdiction. The former Bill proposed that all charities above 30*l.*, and up to 100*l.*, should go before a Master in Chancery, and all above 100*l.* before the Lord Chancellor. No good reason was apparent for maintaining this distinction, and therefore it was now proposed that all cases above 30*l.* should go before the Master of the Rolls or one of the Vice-Chancellors, at Chambers, without any information, bill, or petition, who was to be at liberty, in any case of extraordinary importance, to direct a bill or petition to be filed for the purpose of bringing the matter under the jurisdiction of the Court itself. He had now stated the chief provisions of the measure; and if their Lordships should read it a second time, he would, in accordance with a suggestion made on a former evening, move that it be referred to a Select Committee when the details might be fully considered and discussed.

Moved—That the Bill be now read 2ª.

The DUKE of CLEVELAND was understood to say that he considered the Bill was a decided improvement upon the former measure, and that the noble and learned Lord was entitled to the thanks of the House for having introduced it.

The EARL of CHICHESTER, as one who had taken a great interest in the question, also expressed his thanks to the Lord Chancellor for having brought in so very important and practical a measure as that which was now before the House. The noble and learned Lord had correctly stated that the greater part of the Bill was precisely the same in principle as the Bill which two years ago passed their Lordships' House; and he might remind their Lordships that the Bill was, in fact, the Bill prepared by the Charity Commission, with some very slight alterations, and which was afterwards brought in by the Government of the noble Earl opposite (the Earl of Derby). He certainly thought, however, that the proposed change in the constitution of the Board was a great improvement on the former measure; and though large powers were proposed to be given to the Board by the Bill, which were not contemplated by the Charity Commission, still the reasons given by the noble and learned Lord for conferring such powers appeared to be valid and sound; and the question was one rather of prudence and policy than of principle. He hoped the Bill, in all its principal enactments, would receive the sanction of their Lordships.

LORD BROUGHAM, after complimenting the noble Earl who spoke last on the diligent attention which he had always bestowed on this important matter, of which he had great official experience, said he entirely concurred in the opinion which had been expressed, believing it to be the most useful measure that had been introduced on the subject. There were one or two points with respect to which he entertained doubts, that might be removed by further explanation. Discussion in a Committee would probably reconcile all differences of opinion. It was his bounden duty, as having presided over the celebrated Committee of the Commons, to concur in the testimony which the noble and learned Lord had borne to the value of the Commissions of 1816–18, appointed by the Acts passed at the instance of that Committee. No man could have traversed the country in any direction during the last forty years and not see, rising before his eyes, monuments to the importance of their labours. It would be erroneous to estimate the beneficial results of the labours of those Commissions merely by the 400 cases which they caused to be brought into Chancery for investigation, because, in a multitude of other instances, the mere apprehension of inquiry led to the discontinuance of abuses, and the revival of charities gone into disuse. In justice, however, to the trustees, he was bound to express his firm belief that in a great majority of cases the abuses arose not so much from corruption, from wilful diversion and misapplication of the funds, as from negligence, ignorance, and carelessness: this was particularly the case as regarded the smaller charities. He had the greatest confidence that the provisions of this Bill would meet all such cases, and he trusted it would receive the sanction of their Lordships.

LORD ST. LEONARDS would hesitate long before consenting to give the Board the powers which the Bill proposed to confer upon them. Up to this moment such powers had never been intrusted to individuals in this country. The constitution of the Board itself appeared to be objectionable—it was to be constituted in point of fact by the Government for the time being. Either the Board would exercise its power upon all matters brought before it, when they would inevitably become party questions, or the business would be left to the two barristers, who were to become the working and influential men of the Commission; and undoubtedly these great powers were not such as could safely be committed to any two men. Among other things, power was given them to alter the application of a failed charity, whatever might be its amount. Now, the first question which arose with respect to a failed charity was whether the property should go to other charities, or revert to the donor. It was worthy of consideration whether it would not be expedient to appoint a Board to determine these questions, so as to render it unnecessary to apply to Parliament in each case; but such a Board, to obtain public confidence and respect, must be very differently constituted from the Board proposed to be established under the present Bill. One word in regard to the misapplication of charity funds. It appeared to him that in a vast number of cases of small charities the trustees had been guilty not so much of breach of trust as of errors of judgment. This opinion was founded on his experience as a member of the Charity Commission; for he was a member, although, by some accident, his name did not appear in the Report.

LORD BROUGHAM: Because you never attended.

LORD ST. LEONARDS: I beg my noble Friend's pardon. I attended more frequently than he did.

LORD BROUGHAM: Oh dear, no!

LORD ST. LEONARDS: I attended regularly, almost every day, but I never saw my noble and learned Friend there, except on the first day.

LORD BROUGHAM said, his noble and learned Friend appeared to be gifted with a faculty for the possession of which he had never before given him credit—namely, the imaginative. His learned Friend had drawn extensively upon his imagination when he said that he attended to the Commission every day, but never saw him there; and he (Lord Brougham) must acknowledge that he was also in error in supposing that his noble and learned Friend had never attended, for, on consulting with a Member of the Commission now below the bar, he was reminded that an arrangement had been made by which he and his noble and learned Friend attended on alternate days. Under these circumstances, it appeared that they were now both in the wrong; and their Lordships would perceive it not only natural, but unavoidable, that he and his noble and learned Friend should never see each other at the Commission, because, from the arrangement made, it was impossible they could both be present at the same time.

EARL TALBOT said, as the law stood at present, the funds of any charity were mulcted one way or another of no less a sum than 200*l.* on the appointment of fresh trustees for its management; and on such occasions there was a sum of 25*l.* paid to the Attorney General, who had nothing to do in the matter. He hoped the noble and learned Lord on the woolsack would introduce a provision into the Bill to remedy that inconvenience and expense.

The LORD CHANCELLOR said, there was a special provision in the Bill to meet the objections of the noble Earl.

Bill read 2^a, and *referred* to a Select Committee.

CATHEDRAL APPOINTMENTS BILL.

EARL GRANVILLE having moved the Second Reading of this Bill,

The BISHOP of SALISBURY said, he wished to state on what grounds he was able to give his assent to the second reading of this Bill. He looked upon it, in conjunction with other measures, as a means of effecting what, he trusted, would be a wise and effectual reform in our cathedral establishments. He had long and earnestly desired to see such a reform brought to pass, and had, according to the humble measure of his ability, lost no opportunity of advancing it. But in speaking of the reform of our cathedral establishments, he wished to guard himself against being supposed to concur in the views of those who represented these institutions as labouring under a degree of corruption with which they were not chargeable, or as being in the possession of wealth which it was altogether a mistake to suppose that they possessed. The instances of gross abuse occasionally brought before the public were merely the dying embers of a bygone system, the recurrence of which was now effectually guarded against by efficient legislation. For example, he thought he might now say that the evil of pluralities, and with it that of non-residence, was absolutely abolished in the Church. With respect to the allegations as to the great wealth of our capitular establishments, he would remind their Lordships that a former Act, passed in Her present Majesty's reign, took from them so large a part of their revenues, that he was satisfied that what remained would be barely adequate for the support of those objects for which our cathedral bodies were instituted, and which, he was sure, their Lordships would desire to see carried out far more efficiently than they were now. Nevertheless, he was ready to admit that those institutions stood in need of a full and comprehensive reform. Looking upon them as great institutions for promoting the worship of Almighty God, and for diffusing the blessings of a religious education, and endowed for those purposes with large revenues, he admitted that the Church did not find those great results flowing from them which might have been reasonably anticipated, and of which he thought they were capable under a better administration. For himself, he cheerfully tendered his thanks to the noble Earl opposite (the Earl of Derby) for the Commission of Inquiry into the institutions in question, which was issued at the instance of the Government of the noble Earl. For if further inquiry into this subject was needed—and he held that it was—a Commission was the best mode of obtaining it; and he thought that the present Commission was constituted in such a manner as to command general confidence. The former Commission of ecclesiastical inquiry was said to consist too exclusively of members of the episcopate; but that objection had been avoided in the Commission which had been recently issued, and which comprised, among its members, men carefully and wisely selected from the episcopal bench and the capitular bodies, who were capable of giving a great deal of important information touching the subject-matters of their investigation. It also included noble Lords of this, and hon. Gentlemen of the other House of Parliament, of undoubted attachment to our Church, men fully alive—some of them too much alive, he might sometimes think—to the supposed defects in her institutions. He trusted, therefore, they might expect from a Commission so constituted a careful, searching, and, he would even add, a severe inquiry, a calm and deliberate consideration of the information they might obtain, and comprehensive and effectual—and to be effectual they must be bold—recommendations of reform. It would not be suitable for him now to go in detail into the nature of the reforms which he hoped to see introduced; but one or two leading points he might refer to. And, first, he would suggest that there should be a constant residence of all members of capitular bodies at their cathedrals, and that those persons should be forbidden to hold benefices for the cure of souls at a distance therefrom. This was no new opinion on his part. It was a view he had advocated fifteen years ago; and which he had put in practice on the only opportunity he had ever had of exercising patronage of this kind. The only residentiary stall which had ever been at his disposal, now twelve years ago, he had given on the express condition that the holder of it should reside constantly at the cathedral, and not take other and distant preferments with it. And the result of that appointment had entirely fulfilled his best hopes. The gentleman in question, the Rev. Walter Kerr Hamilton, had, for twelve years, exhibited a model of what the resident Canon of a Cathedral might be, bringing into it a new spirit, effecting in it many practical reforms, and being himself as constantly and earnestly engaged in the duties of his calling as any clergyman in a laborious parochial charge. He would also name a careful consideration and development of those institutions for religious education which were more or less found in connexion with those cathedral establishments. He would name, too, a full investigation into the state of all parishes of which capitular establishments held the impropriate tithes—a matter which he thought was greatly overlooked in the former inquiry, but which lay at the foundation of any satisfactory reform. For, himself, and he trusted also for the members of the Church at large, he might say, that though there were many things in the former Act of Cathedral Reform they could have wished otherwise, and which they had been obliged at the time to oppose, they nevertheless did not wish now to interfere with what the Legislature had already done, but to look upon the provisions of the former Act relating to those institutions, as past and done, and with which it would not be wise to interfere. He considered it to be the duty of the present Commission to repair the omissions of the former one, and to recommend in what manner the funds—he would say the very moderate funds—now remaining to the cathedral bodies might be employed most for the advantage of the Church. And he believed the capitular bodies themselves would not be unreasonably opposed to the carrying into operation of such recommendations as a Commission constituted as he had stated might make. Those bodies might think they had not been over-tenderly dealt with, and might therefore not be altogether disposed to look at further legislation with respect to themselves in so favourable a light as their Lordships might wish; but if his feeble voice could reach any among them, he would earnestly entreat them to look favourably at any proposition coming from the quarter he had named, even though such a proposition might in some respects be distasteful to them, remembering that they were bound to make those institutions efficient in the greatest possible degree for the high and holy purposes for which alone they had been constituted in their established state, and entrusted with the revenues committed to them. He might be permitted to say, that the capitular body with which he was connected were prepared to view this subject in the same light in which he himself looked upon it, and to give their co-operation to a wise and well-considered reform, based on the principles which he had endeavoured to sketch out to their Lordships. They had shown this, first, by giving the most full and accurate information in answer to the inquiries addressed to them—information which would supply all that could be needed in this respect as regarded this chapter; and, secondly, at a meeting of the dean and chapter, which he attended at their request, they resolved unanimously to make suggestions to the Commissioners respecting their own body, calculated to carry out such views as he had now expressed. He was sure, therefore, that the Chapter of Salisbury would give their assistance for such an object; and he had good hope that such would also be found to be the case with other capitular bodies. And it was in this hope that he the more readily gave his assent to this Bill.

Bill read 2^a.

THE LUNACY BILLS.

On the bringing up the Report of the Amendments on the Lunacy Regulation Bill, the Lunatics' Care and Treatment Bill, and the Lunatic Asylums Bill,

LORD ST. LEONARDS rose to remind the House of the objects severally contemplated by these measures. By the first—the Lunacy Regulation Bill—the proceedings before a Commission of Lunacy would be much altered. Instead of a party being put in every case to the expense of suing out a separate commission, for the future a general commission would be issued by the Lord Chancellor, under which the Commissioners would act in each particular case. The old mode of carrying back the inquiries as to when the party became a lunatic, was altogether dispensed with by this Bill, unless the Lord Chancellor should see occasion to direct those inquiries in a particular case; and dispensing with this inquiry, which, in a great majority of cases, was a very unnecessary one, would be a great saving to the estates of lunatics. The expense of obtaining grants from the Crown would be also done away with, and power would be given to the Lord Chancellor to make an order which should operate as a grant. Powers would be given to Masters to act in certain cases without waiting for orders and petitions to the Lord Chancellor; and orders by the Lord Chancellor, which led to delay and to very great expense, were done away with. Still great caution was exercised with a view to preserve the power of the Lord Chancellor, and due care was also taken that parties should have opportunities of objecting to any orders proposed to be made by the Masters. After the Masters had made their report, all difficulty was cleared away as regarded the present practice, which rendered it necessary to have petitions to the Lord Chancellor, references to the Master, and orders upon those references. One very great source of expense in these cases had been the inquiry as to next of kin, and the attendance of next of kin. The Lord Chancellor, therefore, had power given him by this Bill to dispense with that inquiry, where he thought it need not be extended, and to direct which of the next of kin should attend the proceedings. In that way great expense would be saved, great celerity given to the proceedings in lunacy, and in very many cases the Lord Chancellar would be able to make an order without the assistance of either solicitor or counsel, thereby saving a vast expense. Care was taken that there should be sufficient visitation of lunatics under the care of the Court; and then the Bill proceeded to enact very useful provisions in regard to the administration of their estates. It very often happened that the lunatic possessed but a small sum of money, and in those cases power was given to the Lord Chancellor to deal with the principal for the benefit of the lunatic; for instance, the lunatic might have relatives or friends who would be willing to undertake the charge of him on the security of these funds, and provision was made to enable them to do so under conditions imposed by the Lord Chancellor. The head of a family might be suddenly striken with insanity, and the family would find themselves unable to meet their immediate exigencies; yet at that moment there might be a great deal of ready money in the house, or a balance at the banker's, which they had no power to touch. In such a case power was given to the Lord Chancellor to deal with that money for the present exigencies of the family. In cases where a man became a lunatic, being at that time a partner in business, power was given to direct a sale of the partnership property, and make proper dispositions for winding up the partnership. Without going further into the details of this Bill, he trusted that the slight sketch which he had given to their Lordships would convince them that it would be found quickly and prudently to administer the law in respect to lunatics, and would provide for many cases which, as the law now stood, were in an unsatisfactory position. He would now pass on to the next Bill—that relating to the Care and Treatment of Lunatics. By it great care would be taken of the pauper lunatics of the country, who would not be treated as insane without sufficient evidence and without sufficient caution, and visitation was provided for to an extent which was never known before. Last Session a Bill was proposed to be introduced by a noble Lord to provide for such a case as that of Mr. Feargus O'Connor; but there was an objection to some of the provisions of that Bill, and it was accordingly postponed at his (Lord St. Leonards') suggestion, he being at that time in office. The provisions of that Bill were now, with proper cautions, introduced into the present Bill, and great care was taken to prevent the mischiefs which would arise to persons themselves whose minds, as in the case of Mr. Feargus O'Connor, were no longer in a sound state, from wandering about to their own manifest injury, and to the danger of the public at large. Provision was made by this Bill for protecting such persons, taking care, at the same time, that no man should be restrained or deprived of his liberty without due caution. The third measure—the Lunatic Asylums Bill—was an amendment of the Act called the Shaftesbury Act. By that Act five unpaid Commissioners were appointed, and six paid Commissioners, of whom three were medical men and three barristers. That arrangement was still retained; but a great many difficulties, which had occurred in the administration of the law under that Act, were corrected and amended, after an experience of some years, in the Bill now before their Lordships, and particularly one difficulty was met which had led to very great inconvenience. It very often happened that when a person became a lunatic, it was impossible to get at once two medical men, as required by law, to certify, so as to enable that person to be legally taken care of. This Bill therefore provided, carefully and cautiously, where necessity required it, for the admission of such a person upon the certificate of one medical man; but then it required, as it ought to require, that within three days after that person had been put into confinement, two other medical men should certify the propriety of his being confined, and should give their own reasons for that opinion, distinguishing what they themselves had observed as the ground upon which they had formed their opinion, from what had been communicated to them by other persons. One great check was provided by this Bill in regard to persons who had not been found lunatics under any inquisition, but who were detained in asylums under certificates. Power was given to the Lord Chancellor, after the alleged lunatic had been confined one year, to require from the person detaining him, or at whose instance he was detained, a general account of the property of the lunatic and its administration; that would show at once whether there was any improper motive for his detention, whether he was placed there for the improvement of his health, or in order that others might enjoy his property. The Bill did away with the exception from visitation which had hitherto been extended to Bethlehem Hospital. It was due to the governors of that institution that he should state publicly that they had not raised the slightest objection to the introduction of such a provision in the Bill; and that showed they were not afraid of the consequences which would result from the working of such a provision, and that they were willing the hospital should be visited and examined thoroughly, like all the other asylums in the country. He had now only to call the attention of Her Majesty's Government to a duty which he thought peculiarly devolved upon them—that of introducing a measure for providing generally for the criminal lunatics of the country. The law at present did not stand well upon that subject. With such a law as they had a right to expect, the administration of the law relating to lunacy in this country would be placed, he would fondly believe, upon a better foundation than existed in any other country in Europe. But, first, it was absolutely necessary that provision should be made for the care and maintenance of criminal lunatics. If that were done, he had reason to believe that the expense would be much less than it was generally supposed would be incurred. The country was now at considerable expense in that respect, and one asylum in the north and one in the south of England, would be sufficient. It would be particularly necessary to meet, in a most cautious manner, the case of women afflicted after their confinement, who, in a state of aberration of mind, committed—he could not call it a crime, but a deed at which human nature shuddered. As the law now stood, she who ought to be in an hospital, and taken the greatest possible care of, was treated as a criminal, to be tried by the laws of her country; and, if they were to have such laws, as he hoped they were very near possessing, he repeated that it would be necessary to make provision for women of that description.

The LORD CHANCELLOR, lest by saying nothing he should be supposed to dissent from the observations of his noble and learned Friend, wished to state that he had been unable to attend the Committee upon all these Bills; but he had been present when two of them had been considered by the Committee; and it appeared to him that the provisions proposed for reducing expense and delay in legal proceedings, in cases of lunacy, were well calculated to meet the desired end.

The EARL of HARROWBY was decidedly of opinion that criminal lunatics ought not to be mixed up among the harmless unfortunates of the same description, and said this was often productive of the worst effects.

LORD ST. LEONARDS, as a witness to the truth of the noble Earl's statement, might be allowed to say that when he had visited lunatic asylums, the ill effect of such a system had been constantly stated to him in the strongest possible terms. Those who supposed that persons who were insane were not deeply impressed with things which affected moral conduct, were entirely mistaken. He had frequently heard from persons confined in public asylums complaints of the hardship of being shut up with criminals. He regretted that the noble Earl (the Earl of Shaftesbury), who had devoted so much time and consideration to this important subject, had not been present that evening.

Amendments *reported*, and Bills to be read 3° on *Friday* next.

SOUTH SEA AND OTHER ANNUITIES COMMUTATION BILL.

Order of the Day for the Third Reading read.

EARL GRANVILLE said, that in moving the third reading of this Bill, he found he stood in rather an awkward position; for, after what fell from him the other night in reply to the remarks of the noble and learned Lord opposite (Lord St. Leonards), he was supposed to have entered into an engagement to make a statement with respect to the Bill, and in reference to all the arguments bearing upon it. It appeared, however, that it would be desirable to introduce some amendments to carry out the noble and learned Lord's suggestions, and that it would be necessary to introduce another Bill for that purpose. The question of the injustice done to suitors in Chancery was under the consideration of the Government. As it was a Money Bill, it was not competent to their Lordships to make any amendments in it. He thought it would be the most convenient course to move the third reading of the Bill, reserving to himself the right of offering any explanations that might be required to those objections which noble Lords might urge against the Bill.

Moved—That the Bill be now read 3ª.

The EARL of DERBY appealed to the noble Earl, whether he thought the course he proposed was becoming in the present state of the House [alluding to the fact that not above nine or ten noble Lords were present], and whether he really thought they ought to proceed with a question of such immense importance, on which many noble Lords were anxious to express their opinion, without one word being said respecting it since it came down from the other House, or without one opportunity of discussing it having been afforded to them. It might be quite true it was not competent to their Lordships to alter the Bill, but they ought to have an opportunity of considering the principle of it, and it was really turning the proceedings of their Lordships' House—he did not wish to use any language unnecessary strong—but it was giving a character to the proceedings of their Lordships' House which he was sure the noble Earl was the last man to desire, if they took the course he suggested.

EARL GRANVILLE would have been very anxious to yield to the recommendations of the noble Earl in any other Bill, but the present Bill required that another should be introduced into Parliament on the subject-matter of it, and it would cause great public inconvenience if there were any delay. He was quite ready to make his statement if their Lordships desired it.

After a short conversation,

The EARL of DERBY said, that if it were only for the objections of his noble and learned Friend near him, and for the statement of the noble Earl opposite, that it would be necessary to introduce a supplementary Bill, there were reasons enough not to take the third reading till they saw what that other Bill was; at all events, it should be postponed till the House of Lords knew what the measures of Government were.

The EARL of WICKLOW observed, that if noble Lords were absent, it was their own fault. The Bill was down on the paper for a third reading among the Orders of the Day. They had most likely gone away because they knew no amendments could be introduced.

LORD MONTEAGLE said, he must protest in the strongest manner against the argument of his noble Friend (Lord Wicklow), because the usage of Parliament precluded their Lordships from amending Bills of this kind, that their Lordships were, therefore, precluded from discussing them; when, in fact, such measures were frequently of a nature such as, above all others, to require free comment in their Lordships' House. This principle was fully recognised in practice. Let the House recollect the long and important discussions which more than once had taken place in that House upon the Property Tax—a Bill, which, nevertheless, according to usage, their Lordships could not touch. But it also appeared that the noble Earl objected to the present discussion, because the Bill had reached its third reading without debate. He must remind the House what had been the reason of this forbearance. It was a concession made for the convenience of the Government—made with the distinct understanding that the Bill should be considered and discussed on a future stage. In the present instance a most unprecedented course was proposed. The House was called on to pass a Bill without having received one word of explanation from the Government; without an observation of any kind except as relating to some clauses of a purely legal character, not affecting the principle of the Bill. He entreated their Lordships to pause for those explanations which were yet to be given. Let the House at least know what it was about to do before it passed a Bill of such great public importance as the present.

EARL GRANVILLE said, he had been misunderstood if it was supposed he had made any objection to offer a lengthened statement with respect to the Bill, to the third reading of which he asked their consent. As it appeared to be their Lordships' wish, he would state the objects of the measure. Their Lordships were aware that the public debt of the country was divided into certain stocks—namely, the consolidated annuities, the reduced annuities, and other minor stocks, the South Sea, and other annuities, and it had been for a long time the object of the Government to reduce the interest payable upon this debt. With regard to the 500,000,000*l.* of the principal stocks, a great difficulty existed—namely, that under the Acts of Parliament by which the money was raised, notice was required to be given twelve months before the reduction of the interest. Now no Government could undertake to pay such an enormous sum as that twelve months hence, when various fluctuations in the money market might take place. With regard to the South Sea and other small stocks, amounting to about 10,000,000*l.*, that difficulty did not exist, and the Government accordingly proposed to deal with those stocks. By this Bill three proposals were made for effecting that object: one was by the issue of a 3½ per cent stock, and which would be issued at 82*l.* 10*s.* That would produce a rate of interest amounting to 2*l.* 17*s.* 9*d.*, and would reduce nominally the amount of the debt. The second was to issue a stock at 2½ per cent, which would be redeemable at the end of forty years, for 110*l.*; and it was unnecessary to say what improvement would be effected in their finances by having a stock of that description. The third mode of commutation was by issuing Exchequer bonds, bearing, for not more, and possibly for less, than the first ten years, an interest of 2*l.* 15*s.* per cent, and afterwards of 2*l.* 10*s.* per cent. Great advantages were anticipated from the creation of those bonds, as it would no doubt be highly advantageous to trade and commerce that there should be a security like this, passable from hand to hand, and one which persons in foreign countries might keep in their own possession. It was, indeed, said, that as Exchequer bills only bore interest at 1¼ per cent, they would be exchanged into these Exchequer bonds to the disadvantage of the Government; but he did not himself think that this contingency was at all likely to occur, because it had always been considered disadvantageous to fund Exchequer bills, nor had it ever yet been done, except when there was a greater increase of interest to be gained than would be the case under the operation of this Bill.

LORD MONTEAGLE said, that even after the explanation given by his noble Friend (Earl Granville) he acquiesced very reluctantly in entering upon the discussion of this most important measure, in a House so thin as that he was called on to address, and at so protracted an hour of the evening. Distinguished as his noble Friend was for his clearness of statement, and for that unassuming ability which recommended him at all times to those whom he addressed, he must nevertheless state that the explanation offered on the present occasion failed altogether in justifying either the Bill or the purpose it was intended to effect. He (Lord Monteagle) would have undertaken to prove there were abundant reasons to justify postponement to a future night, if he were not aware from his own official knowledge that great public inconvenience might result from recommending such a course to their Lordships. He was therefore driven to the discussion, though conscious in doing so of being placed under all possible disadvantages. He regarded the Bill as being not only extraordinary from the mode in which it was framed, rendering its discussion peculiarly complicated and difficult, but because it comprehended a novel and most dangerous principle, of which, disguised as it might—and by the use of the word disguised he did not mean to attribute any disingenuousness to its framers—he felt it his duty to make their Lordships and the public fully aware. But of this hereafter. He would first remind their Lordships that the President of the Council had not stated or even suggested any definite advantage proposed to be attained by this extraordinary plan for commuting a portion of the public debt. He had not stated in what way the public credit of the empire would be strengthened by the consequences of the proposed enactment; how our financial operations would be facilitated, or economical reforms would be effected. Nor was it surprising that even with his acknowledged ability he had failed in doing so; for unless endowed with the spirit of prophecy, it was utterly impossible to foretel the result in a case where the judgment of the money market could not be anticipated, but was left embarrassed and perplexed by the offer of three conflicting and antagonistic propositions. It was impossible to form even a guess with respect to the ultimate result, unless that of a total failure of the plan. The House and the public were alike in the dark. The present proposition differed from all others which had ever been offered to Parliament for the conversion or extinction of any portion of the public debt. If a loan was proposed to be contracted for, or if a funding of Exchequer bills were recommended, a Minister could at least explain his meaning, defend his measure, and point out its future consequences. But in the present instance we were called on to deal with three different proposals, founded on irreconcilable principles, and unintelligible when taken in combination. It seemed to him to be a new version of the *Merchant of Venice*, got up at the Downing Street Theatre Royal, and to be represented by Her Majesty's Servants for the amusement of the monied gentlemen of their own and of another religion. The three caskets were proposed to be set out for the choice of the suitors; but in which of them the Treasury *Portia* was contained, if indeed to be found in any one of them, time only could discover. This uncertainty in regard to its result was one of his great objections to passing this Bill. No one, he thought, would be found to dispute that it was most unwise, he might almost say most perilous, for the Government at any time to interfere gratuitously with the public securities; or to do so at all unless they saw their way clearly, and were able to show to Parliament a well-grounded expectation of some certain or at least highly probable advantage. Public credit ought not to be made, at any time, the subject of rash, unmeaning, or hasty experiment. Stability and repose are the primary elements of public credit and confidence. We seem now, on the contrary, invited to set aside this principle, by meddling with the funds in a manner the most strange, unintelligible, and unprecedented. The uncertainty which the President of the Council had candidly expressed—the three proposals being left to the choice of the fundholders, and to be selected or rejected according to what his noble Friend had most ingenuously called "the fancy of the stock market"—furnished inadequate reasons for legislation in a manner likely to disturb all classes of public securities—not only the South Sea Annuities, but the 3 per cents, and the whole of the existing unfunded debt. The other House of Parliament had been for many years familiarised with a mode of stating a question, which, from the authority of the great statesman who used it, has almost passed into one of the *formulæ* of Parliamentary logic. "Three courses are open to me," was often the commencement of an able discussion. But the speaker uniformly examined each proposition carefully, and proceeded, by what he called the process of exhaustion, to exclude two, and ultimately to give able and convincing reasons for pursuing the third course. The framer of the present Bill seems to have followed the example of his great master, though in the first operation only. He, too, describes three propositions; but in place of selecting the best he adopts all three, leaving the ultimate decision, not to the Treasury, not to the Houses of Parliament—not to his own high intellect—but to what has been so well and candidly called, by the official advocate of the Bill, "the mere fancy of the stock market." Nor was the uncertainty of the effect of the present Bill, the only objection he felt to its enactment. It was as inconsistent as it was uncertain. The Bill presented alternatives to the stockholder, which, if acted on conjointly, would directly neutralise each other, as affecting the State. For instance, by the creation of 3½ per cents it is proposed to reduce the capital of the debt. By the creation of the 2½ per cents it is proposed to increase that capital. The unfunded debt seems to be considered, in one part of the Bill, as inconvenient, and requiring reduction; whilst, at the same time, the creation of Exchequer bonds assumes a contrary principle Whatever opinion might be entertained upon other parts of the plan, he (Lord Monteagle) had no difficulty in saying, that to adopt the course of increasing the capital of the debt, appeared to him to be contrary to every sound principle of finance recognised by the latest and highest authorities. In order to explain his meaning more distinctly, he would proceed to call the attention of the House to the alternative modes of proceeding, one or other of which might be adopted for the reduction of the national debt. The Treasury might endeavour to pay off principal, or to reduce interest. When the interest at which money had been borrowed by the State continued high, the reduction of the rate of interest was in most cases the preferable course. Hence, since the Peace it had been largely and most successfully resorted to. More praise had often been claimed and given for the result of these operations, than the fact of the case warranted. The interest of money, upon the fall of which the reduction of the debt depended, was no more within the control of a Government than the state of the atmosphere; though to profit by a favourable opportunity, and to effect a reduction of interest by a wise and well-considered proposition, did require skill and statesmanship; and he must be permitted to say, in passing, that no one of these successive operations seemed to him to have been more creditable to the Finance Minister of the day than the large reduction of interest effected by his right hon. Friend Mr. Goulburn: that reduction was wisely conceived, and promptly and successfully executed. But at the present time, when the interest of the public securities was low —when the interest upon Exchequer bills more especially had already been reduced below the rate warranted by the state of the money market—when the proceedings of the Bank of England, and the judgment of commercial men, led to the anticipation of a rise in the value of money rather than a fall; above all, when the enormous magnitude of the 3 per cent debt coupled with the contract entered into by the State, to give one year's notice if reduction were contemplated, it did not appear to him that the present was an opportunity when any great saving was likely to be effected by attempts to reduce the interest of the national debt. The other alternative—namely, that of paying off capital, was that which might most fitly be resorted to; but to this the original plan of the Government, in adding 10 per cent to the capital stock created, was diametrically opposed. It is true that, during the progress of the Bill, the House of Commons had induced the Chancellor of the Exchequer so far to vary his plan as to create a sinking fund, intended to extinguish the additional capital which he had himself gratuitously created. In thus escaping from one inconsistency, the Government had, however, by this step, involved themselves in another; for whilst the object of the conversion into a lower stock had been to lessen the charge of the debt, the effect of the new sinking fund was to increase it. A more serious objection, however, remained to be considered. By the present Bill it was proposed that Parliament should resort to a new mode for effecting the conversion of debt. It was proposed for the first time to issue new securities, called Exchequer bonds, the denomination of which was left uncertain, except that the minimum was fixed at 100*l.* But the Bill did not make any provision for the ultimate convertibility of these securities; it was not determined by law, as it ought to have been, how these bonds were to be redeemable, and whether at the option of the Government, or at the option of the holders. The decision was left absolutely to the Treasury. Surely this was a most indefensible mode of legislation; the least that could have been expected was, that, upon a point like this, the Government should make up its mind, and Parliament should form some definite resolve. The possibility of leaving to the holders of any considerable amount of these securities an option to be exercised forty years hence of requiring the whole amount of their principal to be paid in money, however great the amount of that principal might be, and whatever might be the national exigencies at the moment, was an imprudent engagement into which he did not suspect that the Treasury would enter. But, on the other hand, to leave these securities without any fixed power of redemption at all on behalf of the holders was wholly inconsistent with their credit and circulation. He observed further, that no provision for the payment of interest was made beyond the expiration of the term of forty years, and therefore the proposed Exchequer bonds, whatever might be the apparent engagements under which they were issued, created in reality no legal obligation beyond that of a forty years' annuity. If these observations were correct—and that this objection was felt by others as it was by himself—the attempt to issue these Exchequer bonds was likely to prove an utter failure. He would, however, now reason upon an opposite hypothesis, which was that of the Chancellor of the Exchequer. In place of anticipating failure, he would assume the popularity and credit of these securities, and would therefore reckon on their success. This would, in his judgment, lead to consequences far more dangerous than a failure of the financial project. The most important feature of this Bill was, that for the first time, as he believed, in the modern history of England—at a time, too, when we were free from the pressure of any financial difficulty—Parliament was invited to sanction the issue of Government negotiable securities intended to pass by delivery from hand to hand, after the fashion of a circulating medium, which securities were not by law made convertible into the current coin of the realm. The public were consequently left without the only real security against over-issue. It is true that the amount of bills was now limited. He alluded here to the Bill as first introduced. Even in its present state, as amended, there was no restraint to prevent a Minister in times of difficulty or distress from applying to the Legislature for a power to make a more unlimited issue. He sincerely hoped that Parliament might not, by authorising this step, be considered to sanction the issue of Government inconvertible paper. This would be in fact to set aside an all-important principle, the rigid observance of which had hitherto distinguished England from all other countries in Europe. It is true that the public had been protected by the caution of the House of Commons from permitting an unchecked creation of this new species of debt. The system could not now extend beyond 30,000,000*l.*; but within that boundary he apprehended that much mischief might be done, unless the evil of the whole plan was arrested by its impracticability. The danger of violating a principle, though thus incurred without a motive, would still be great. It seemed, however, that the experience of foreign countries is relied upon as an example and a justification. The very terms of bonds and coupons bespoke their continental origin. These did not reconcile him, neither did he anticipate that they would reconcile the public, to newfangled securities, to be substituted for those which had long sustained the credit of English finance. He would entreat the House to avoid the risk of being led away by any supposed analogy between these new bonds and Exchequer bills: the former are confessedly irredeemable for a period of forty years, and he had shown that no funds for their redemption are provided even at the end of that time, neither are any funds provided for the payment of future interest when the forty years shall have elapsed; the latter, on the contrary, are Government bills of exchange payable in coin twelve months after issue, or receivable in payment of taxes when come to maturity. Hence no Government could, with any regard to their own interest, deal with these latter securities in a manner inconsistent with the public service. Whilst affording to the banker and the capitalist a highly convenient investment, these securities were protected from any considerable depreciation. If the general rate of interest varied, the Government, in relation to such short securities, possessed the means, by making corresponding reductions of interest, either by raising or lowering the interest on Exchequer bills, of profiting by the cheapness of money, or of meeting any pressure upon the money market by raising the interest on these securities. How were such arrangements to be effected with respect to securities of forty years' date? The important advantage he had described would be lost altogether. The public were encouraged to hope that the new bonds would have a permanent and unvarying value, passing from hand to hand, without the expense of brokerage. This was a mere fallacy. The forty years' annuity represented by the bonds must fluctuate with the rise and fall of all other public securities, and the value could only be ascertainable through the medium of the market. Indeed, if the wishes of the Chancellor of the Exchequer could be realised—if these bonds became a species of savings bank investment for the humbler classes—if they were sold at the new provincial stock markets, which it is supposed advantageous to encourage and establish, it might rather be apprehended that these securities would, by reason of the relative weakness of their holders, be more exposed to fluctuation from panic and similar causes than were any other class of the public securities. He had already observed that the prudence of the House of Commons had fortunately imposed a limit upon the issue of the bonds; but this, it should be remembered, merely affected the amount of the bills, and not the principle of the measure; and if the scheme succeeded, he understood it was intended by the Chancellor of the Exchequer to apply to Parliament for an extension of authority for further issues. As the Bill now stood, the Government of England for the first time became bankers and issuers of inconvertible paper. A sanction was also given to one of the most mischievous fallacies for which the currency agitators had long contended, namely, the possible conversion of the capital of the national debt, or of any considerable portion of it, into a circulating medium. This is the same dangerous fallacy which has been lately adopted by the Emperor of the French in the *crédit foucier*—a system under which a part of the enormous mortgage debt of France, amounting to several hundred millions sterling, is proposed to be represented by *billets de gage* transferable, but not subject to immediate convertibility. Were their Lordships to be invited to follow this example in days of financial prosperity, and it is to be hoped of financial wisdom? It may be said, that the limitation of these bonds to a minimum denomination of 100*l.* would be a check against the abuse which he had described. He doubted this. Once establish the principle of inconvertibility, and where was the mischief to stop? The country may be safe in the hands of the present Government, but it was just possible that at some future period, power might pass into the hands of a "Little-shilling" Birmingham Administration. If 100*l.* bonds were not found to circulate freely, they might be split into bonds for 50*l.*, 25*l.*, 10*l.*, or 5*l.* The original Exchequer bills issued by Charles Montague (Lord Halifax), in the reign of William III., were made out for sums as low as 5*l.* each. There was no calculating the danger of such a system; and the ultimate result might be, that our currency would be exposed to a debasement and depreciation as fatal as that of some of the Continental States. These bonds were, it seems, also recommended upon the ground that, made transferable from hand to hand, without endorsement or other formality, they would become negotiable in foreign countries. He confessed that this result would constitute, in his mind, an additional danger rather than a recommendation. If they circulated abroad, they must necessarily, to a certain extent, be exposed, in addition to home fluctuations of value, to the casualties and panics incidental to a commercial and to a political crisis in foreign States. He was told indeed, and noble Lords were aware from their own experience, that Bank of England notes now circulated freely on the Continent. That was true; but he should like to inquire from the cautious and experienced directors of the Bank of England whether this new continental circulation constituted in their judgment a benefit or an inconvenience? Even if it were considered to be a benefit, it by no means followed because a promissory note, payable on demand in gold at 3*l.* 17*s.* 10½*d.* the oz., maintained a steady value—that securities, which he had proved to be liable to all the fluctuations of the public funds, would receive the same acceptance, and be entitled to the same stability of credit as Bank paper. The contrary rather was obvious. Another matter was entitled to grave consideration — the question of forgery, and the physical durability of the proposed securities. If attempted to be circulated for forty years, of what materials was it proposed to make these bonds? If struck off on paper for the purposes of circulation, he doubted much whether all the ingenuity and machinery of this country would provide a material that would last for forty years. It was suggested that parchment or vellum might be used. Should this course be taken, the protection against forgery, derived from a distinctive paper, would be altogether lost. Also, in proportion to the hardness of the substance on which the impression of the plate was taken off, the liability to its effacement would be augmented, and hence would arise a new risk and liability to forgery. He begged to suggest, as an amending Bill was admitted to be required, that it would be absolutely necessary to add to the existing clause against forgery further provisions against the unauthorised possession of the machinery, tools, or paper, by which the forgery of those bonds could be accomplished. This was indispensable for the protection of the State, and of the holders of these securities. However painful it was to himself individually, to advert to the atrocious frauds committed in his own department by Mr. Beaumont Smith, he felt it his duty to give to the House the results of the experience he had derived from the discovery of those criminal acts. He ventured to forewarn their Lordships that infinitely greater dangers were to be apprehended from the proposed Exchequer bonds, and their coupons of interest, than any which had been found incidental to the manufacture of Exchequer bills. These dangers would greatly augment if these bonds were unfortunately to circulate in foreign countries. The progress of science, and more particularly the art of anastatic printing, greatly increased all the facilities of fraud. Again, he would beg to refer to the directors of the Bank of England, and inquire from them whether they considered that it would be consistent with the safety of their great corporation to render themselves liable for forgeries circulated on the Continent? If the Government of England, by any encouragement, however slight, even by a mere favourable expression of opinion, were to countenance the foreign circulation of these Exchequer bonds, he could not help thinking that further dangers would arise — dangerous questions of responsibility would be urged against us by foreigners—and ultimate loss to the public would ensue. It had been said that this Bill was to be received as the commencement of an experiment to try whether in one way or another the Treasury could accomplish the reduction of the 3 per cents. A more tempting bait and a less naked hook must, however, be provided than the present, to give much chance of success. On a former occasion he had been reproved by his noble Friend opposite (the Earl of Derby) for suggesting, on the authority of Sydney Smith, that absolute wisdom was not invariably to be found in the 3 per cents. However that might be, he felt some confidence that, taking into account the enormous magnitude of the stock, and the twelve months' notice required for its redemption, the holders of this class of securities would be found tolerably well able to protect themselves against any undue depression of interest at the hands of the Chancellor of the Exchequer. They were at least much too conversant with practical affairs to be tempted to convert their securities into bonds in the absurd expectation of escaping either brokerage or fluctuations of price. A further financial objection might be urged against the plan of the Chancellor of the Exchequer, still gratuitously assuming, as a possibility, its success in the market. It was proposed to permit the exchange of all Exchequer bills for the new Exchequer bonds. What would be the result of this operation if effected? The former securities amounted in value to about 18,000,000*l.* sterling; these bills floated at par, or at a small discount, paying an interest unprecedentedly low, namely, 1½ per cent. These bills it is proposed to replace by securities paying 2½ or 2¾ per cent interest. By this operation a certain loss must consequently be sustained, which loss should be deducted from any possible gain the Treasury might obtain from other parts of its proposal. The Exchequer bill market, already seriously affected by the recent reductions of interest, would be, in this case, utterly destroyed by the competition of the new hands. Now this he felt to be, if it took place, not only a great financial mistake, but a great financial danger. The abuse of an unfunded debt had, in former times, been most flagrant, and in England it was sustained only through the fatal help of a Bank restriction. The same abuse was carried to a still greater extent in foreign countries, and more especially in France—where securities unprovided for might hereafter be found less to deserve the name of a floating than of a sinking debt. But the true principle and practical application of an unfunded debt were so important and so valuable, when wisely used, that such securities could not, with any prudence or safety, be rejected or discarded by the Treasury. Our own history showed us that in great contingencies nations were often called upon to make prodigious and sudden efforts for their own defence. Should such a contingency recur in our times—if we were required to make unexpected exertions—were the demands upon the national resources to exceed the income of the year, if the exigency was not permanent in its character, we might wisely avail ourselves of our credit, and raise the funds required by means of our floating debt. If we should unwisely preclude ourselves from taking a course which may be compared to obtaining temporary accommodation from our banker, in preference to mortgaging our estate, we might hereafter be driven to raise the necessary ways and means by adding to our permanent debt. Not only would this be objectionable upon general principles, as being the creation of a debt more difficult of redemption; but a permanent debt contracted in a time of exigency, would always be raised to a disadvantage, and at an enhanced rate of interest. Should the Chancellor of the Exchequer's measure be successful, and were the money market to be filled with small Exchequer bonds, we might vainly seek to negotiate our Exchequer bills, or should be compelled to do so at a heavy loss. This had been abundantly proved in later times by the injurious competition of railway debentures with the market for Exchequer bills, affecting seriously the circulation of these Government securities. He begged to thank their Lordships for the great indulgence with which they had heard him, compelled as he was to address them at such an inconvenient hour, and at such length. He would willingly have been excused from making these observations; but entertaining, as he did, a strong objection to the principle of the Bill under discussion, as well as to its details, it would have been inconsistent with the duty he owed the public from the official station he had formerly filled, as well as from that which he at present occupied, to give a silent vote, or to disguise his opinion. While he disclaimed every unkind feeling towards the framers of the present measure, or any disposition to deal uncandidly with the measure itself, he would not have felt justified if he had not, even at the risk of wearying their Lordships, frankly expressed his opinion.

Earl GRANVILLE would not be encouraged to occupy the attention of their Lordships by the unmerited praise of one who had so long had experience as Chancellor of the Exchequer. With respect to the options given to the public, the great objection he (Earl Granville) had seen stated in print was, that the Government were doing the most irrational and extravagant thing possible, for it was said that they professed to offer three equivalents to the holders of stock, one of which was so far more favourable to them than the other, that their selection of it was certain. On the contrary, the noble Lord had given the advantage of his great experience and authority to the opinion that those alternatives would be so much the same that the public would be like the lovers who had their choice of the caskets in *Shakspeare*. He held in his hand a list of several operations of this nature—one of which took place on the 20th of August, 1839; and he was not sure but that his noble Friend held the office of Chancellor of the Exchequer at the time. By that operation 4,900,000*l*. Exchequer-bills were converted into stock at 110*l*., 109*l*., &c., giving an actual increase to the debt of 490,000*l*. [Lord Monteagle stated that it was not the amount to which he had objected.] The noble Lord said it was not the amount that he cared for; but as the principle to which he objected was involved in that operation, the operation of 1839 was open to the same objection. The noble Lord seemed to labour under some misapprehension with respect to the Exchequer bonds, comparing them to bank notes. He said that their Lordships ought to object to the Government issuing an unlimited amount of bank notes when there was no bullion to represent them. There was no bullion to represent those bonds, because it was money which was owing; and the only difference made in respect of the funds was in the machinery by which they were now put in the form of a bond. He did not believe that 18,000,000*l*. of Exchequer bills would be exchanged for that amount of bonds. Exchequer bills had an advantage which nothing else could have—which was that they were redeemable at the end of the year; and from the fact of their being so redeemable, they had a value in the eyes of a banker which no other security had.

On Question, *Resolved* in the *Affirmative:* Bill read 3^a accordingly, and *passed.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Tuesday, May 3, 1853.

THE POST OFFICE—OPENING OF LETTERS.

Mr. PHINN rose to put a question to the Secretary of State for the Home Department, of which he had given him notice, and which he was sure the noble Viscount would be very happy and ready to answer. He wished to ask whether any directions or instructions had been given, or any warrant issued by either of the Secretaries of State, authorising the Postmaster General to open the letters of foreign refugees?

Viscount PALMERSTON had no hesitation whatever in stating that no such instructions or orders had been given, and, as far as his own knowledge extended, no letter addressed to the individual person to whom the question more particularly referred had been dealt with, nor had any letter addressed to any foreign refugee, as far as he was informed, been interfered with in transmission through the Post-office. Certainly, nothing of the kind had taken place while he had been in office, and he was not aware of any such case during the tenure of office by his predecessor.

COUNTY FRANCHISE.

Mr. LOCKE KING said, he rose to move for leave to bring in a Bill to make the franchise in counties in England and Wales the same as that in boroughs, by giving the right of voting to all occupiers of tenements of the annual value of 10*l*. The proposition was the same as he had brought under the notice of the House on former occasions, when it was considered to be a just, equitable, and simple measure. In introducing it last year he included two other questions—one limiting the polling in counties to one day, as in boroughs, which, through the exertions of his noble Friend the Member for Middlesex (Lord R. Grosvenor), had already become the law of the land; and the other shortening the period in which the elections must take place, which another hon. Member had taken charge of and introduced into that House. The question of placing electors in counties and boroughs on the same footing had been so often discussed, had been so highly approved of out of doors, and had been supported by such large and increasing majorities in that House, that he could not doubt of its shortly being adopted in Parliament. He deeply regretted that the last Parliament should have been dissolved without the Bill being passed, because he felt they ought to have the benefit, advice, and co-operation of that class which would be enfranchised by it. He was aware they now approached the question under far more favourable circumstances than on any former occasion. It was not only the first time of its being discussed by a new Parliament, many Members of which were pledged to reform, but it was brought forward under the auspices of a Government which was essentially a Government of progress. They had seen a wise spirit of conciliation and concession in the admirable Budget of the Chancellor of the Exchequer, in introducing which, he confessed, the right hon. Gentleman showed himself worthy of being a disciple of that great man Sir Robert Peel. He trusted, in the same spirit, the Government would support this measure, as tending to enfranchise a class who would assist in carrying any good, honest, free-trade Budget which might hereafter be proposed. He hoped that he should not meet the excuses and objections which had been thrown in his way on former occasions. He hoped he should not be told that this was not the season to introduce such a measure, because if it was shown that a great anomaly and a great injustice existed, and if that injustice could be removed without inflicting corresponding injustice on any other class, it was their duty to remove it. He hoped still more that he should not be told that he ought not to press it now, because they had a promise of reform. He was heartily sick of these promises of reform. It was the discussion on a similar occasion which induced the noble Lord (Lord John Russell) to make a promise of reform; but the fulfilment of that promise caused nothing but dissatisfaction and disappointment. He hoped Her Majesty's Government would not object to the introduction of the Bill, and, whatever they afterwards did with it, that they would affirm the principle, and show that they were in earnest in their desire to improve the present system of representation. No one in that House had ever said anything against the class which it proposed to enfranchise. It was true, a distinguished person elsewhere described it as a dangerous and mischievous measure; but, seeing what had taken place at the last election, and the conduct of the Government of Lord Derby, he could well understand how it was Lord Derby entertained that opinion. In discussing this question, he had to meet, not objections, but deeply-rooted prejudices; for, after all, there could be no reason why they should admit the occupier of a 10*l.* house to the franchise in one place, and exclude the occupier of a 10*l.* house in another. He could see no reason why this important class should longer be excluded from the pale of the franchise. With a population of 7,438,000 in the boroughs, there was an electoral body of 410,929; while, with a population of 10,488,000 in the counties, there were only 507,754 electors; whereas to keep up the proportion in the boroughs there ought to be 575,000. If the property test were tried, the result would be the same. In the boroughs the property assessed to the poor-rate was 23,181,580*l.* In the counties it was 44,518,516*l.*, and according to that proportion the counties ought to have an electoral body of 788,000, instead of 507,000. In boroughs, for instance in the county of Wilts, the intelligence of the agricultural body was represented by 10*l.* occupiers, whilst at Dewsbury, Barnsley, Staleybridge, and other places, the occupation of a 50*l.* house was necessary. The former were allowed to choose their representatives in Parliament; but the latter were treated as aliens, and altogether denied representative institutions. The noble Lord the Member for the City of London formerly met the question by arguing that they ought to have one kind of franchise in counties, and another kind in boroughs; but when, in his last Reform Bill, he proposed to reduce the qualification in counties to a 20*l.* occupation, he deprived himself altogether of that argument. The class which it was proposed to enfranchise were a most independent class, and he thought it very desirable, before there was any new Reform Bill at all, that their claims should be allowed, occupiers in town and country being placed exactly on the same footing. In asking this extension of the franchise, he was not like a right hon. Gentleman, a Member of the late Government, selecting for voters men who might be drilled for elections as well as for other occasions. Neither was he asking them to extend the franchise to the counties here in the same way that it was extended to Ireland, where they increased it when there was distress in the country and a decrease in the population. He, on the contrary, demanded it on the ground that our wealth and our population were increasing, and that this being a country of progress, the area of our representation should, in consistency, be enlarged. Holding that it was the duty of the Government to look out for political fitness, and to confer the franchise readily on those equal to its responsibilities, he advocated its extension to the class now proposed, as a matter of justice, for they were unexceptionable. It was, he thought, especially necessary, after the late elections, in which it appeared the former Government had itself been mixed up in corrupt practices, that they should do all they could to purify our institutions, and not suffer them to become a mere laughing stock to despotic Europe.

Mr. T. DUNCOMBE seconded the Motion.

Motion made, and Question proposed—

"That Leave be given to bring in a Bill to make the Franchise in Counties in England and Wales the same as that in Boroughs, by giving the right of voting to all occupiers of tenements of the annual value of ten pounds."

LORD JOHN RUSSELL: I do not mean, Sir, at all to enter into a discussion on the question now before the House. It seems to me, and I think it will be admitted that it must appear generally to the House, that the question of extending the franchise, as is proposed by the hon. Member for East Surrey, which would make a very great change in the electoral system, is a question intimately connected with our whole system of representation. Now, that appears to me to be a question you cannot at present take up. Whether it is wise or unwise, right or wrong, to make this change, it is a change of very great importance, and one which must affect our representation to a very considerable extent. Such being the case, which, by the general consent, I believe, it must be admitted to be, it is impossible, with the important questions now before the House, properly to consider such a Bill as this proposed to-night, which must lead to discussion on the whole subject of our representation, and thereby postpone all the important questions now before this House. I can only say, on the part of the present Government, that we are not indisposed to consider the whole question; and though the hon. Member who introduced the Motion may be unwilling to give credit to our declaration on the subject, perhaps other Members may not. I can only say to the rest of the House that we are duly impressed with its importance, and that we hope to introduce a Bill at a time and in a manner when it will occupy the serious attention of the House. Under these circumstances, I should suggest the withdrawal of the Motion.

SIR DE LACY EVANS said, he did not think that his hon. Friend (Mr. L. King) had had any option but to submit his Motion this year, as he had done in former years; but he trusted that it was not his intention to divide the House, though, if he did, he should of course vote for him.

MR. HUME said, his hon Friend the Member for East Surrey had done no more now than he had pledged himself last year to do. He was perfectly satisfied, unless the Government betrayed those who placed confidence in them, that they would have a fair and satisfactory Reform Bill introduced next Session. This being so, he advised his hon. Friend not to press his Motion to a division, because it would afford no indication whatever of the real feeling of the House.

MR. HADFIELD said, he was obliged to his hon. Friend (Mr. L. King) for having brought forward this Motion. The state of the representation of the country was most unsatisfactory. In a population of 27,000,000, the majority of the Members of that House were returned by 174,000 electors.

MR. LOCKE KING said, he had no wish to incommode the Government, and, in compliance with the suggestions made, would withdraw his Motion.

Motion, by leave, *withdrawn.*

CHATHAM ELECTION.

SIR JOHN SHELLEY said, he wished to draw the attention of the House to the Sessional Order with reference to Elections, and would move that it be read by the Clerk at the table.

Sessional Resolution relating to Elections read, as follows:—

"*Resolved*—That if it shall appear that any person hath been elected or returned a Member of this House, or endeavoured so to be, by bribery, or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery or other corrupt practices."

Sessional Resolutions relating to Witnesses read.

SIR JOHN SHELLEY would now advert to the Report which had emanated from the Chatham Election Committee, and observed, that, upon that Report being presented, the hon. Member for East Surrey (Mr. L. King) brought forward a Motion to the effect, that the Attorney General be directed to prosecute Stephen Mount for perjury; and the result was, that in a tolerably full House, without a dissentient voice, the Attorney General was instructed, upon the strength of the Report of the Committee, to prosecute Stephen Mount accordingly. He (Sir J. Shelley) thought it incumbent upon them, however, to proceed further upon that Report, for if it were good with respect to the perjury of Stephen Mount, it was equally good with regard to the bribery carried on by Sir Frederic Smith. But in order to allow hon. Members full time to consider the evidence, and to determine what course their duty to themselves and to the House required of them, he had asked leave to postpone the whole subject till after Easter; and this was the first opportunity he had had since of bringing the subject forward. He would not go into the evidence, which was in every hon. Member's hand, but assuming that they were familiar with that evidence, he would urge upon them to stand by the Report. He contended that it was the duty of that House to strengthen the hands of their Committees, and certainly the way in which they had discharged their duties hitherto entitled their decisions to every possible respect. By the kind attention of the officers of the House he had been enabled to refer to the precedents upon this subject, and, so far as he could discover, after a careful perusal, there was no instance of a Member having been reported as guilty of bribery in which he had not been prosecuted by the Attorney General. In 1803 there was the Winchester case. Subsequently Sir C. Hawkins was prosecuted. In 1819, in the Barnstaple case, Sir Manasseh Lopez was prosecuted by the Attorney General. In the same year, in the Penryn case, Mr. Swann was prosecuted; and in 1831, in Dublin city, in 1835, in Ipswich, and in the same year in Great Yarmouth, the parties implicated in bribery were prosecuted by the Attorney General. It might be said that the bribery in this case was not by a gift of money. He admitted that nothing could be more demoralising than giving money for a vote. Where a 5*l.* note was given for that purpose, however, no one was injured except the individual against whom the vote was recorded; but where a Government dispensed dockyard or other patronage for party and political purposes, and procured their partisans situations for life in the public offices, then not only was an individual injured, but the whole country was debased, the public opinion of public men was lowered, and the service of the country was endangered. He quite admitted that this Motion and the whole subject of these election petitions, were matters of a most painful character. Up to Easter eighteen persons had been unseated on petition, and out of those fifteen had been declared to be guilty of bribery—fourteen by agents, and in one—the present case—the Member himself had been declared to have committed the bribery. He assured the House that he had no personal feeling in the matter as regarded Sir Frederic Smith. He had been induced to bring forward the subject solely as a matter of duty; and, having done so, he would leave the question in the hands of the House without a word further.

Motion made, and Question put—

> "That the Chatham Election Committee having reported, that Joseph Greathead, an elector of Chatham, had been bribed by a situation as a letter carrier in the Post-office, obtained for his son Charles Greathead, by Sir John Mark Frederic Smith, Mr. Attorney General be directed to prosecute the said Sir John Mark Frederic Smith for bribery at the last Election at Chatham."

Sir FREDERIC THESIGER said, he had hoped that some Member of the Government would have expressed his opinion on the Motion just submitted to the House. The hon. Baronet who had brought it forward had disclaimed being actuated by any personal feeling in the matter. He (Sir F. Thesiger) felt satisfied that that was the fact; and he was sure the hon. Baronet would be gratified, as many other Members would be, to find that, upon considering the evidence in the case, the House would not be under the necessity of interfering in the way proposed. The hon. Baronet said, that as the Committee had reported against Mount, and as proceedings had been ordered against that witness, he thought it right that proceedings should also be adopted against Sir Frederic Smith. He wished to call the attention of the House to the peculiar character of the Report of the Committee with regard to Sir Frederic Smith. The hon. Baronet had stated that the Committee had reported that Sir Frederic Smith was guilty of bribery. Now, that was not exactly the Report of the Committee. Their Report, which was very guardedly framed, was as follows:—

> "That it was proved to the Committee that Joseph Greathead, an Elector of Chatham, had been bribed by a situation as a letter-carrier in the Post-office, obtained for his son, Charles Greathead, by Sir John Mark Frederic Smith."

The circumstances of the case would fully account for the mode which the Committee had adopted in expressing their opinions upon this point. And now with regard to the precedents to which the hon. Baronet had referred. He quite agreed with the hon. Baronet, that there were numerous precedents to be found on the journals in which the House, on the Reports of Committees, had directed the Attorney General to prosecute persons for bribery and perjury; but he believed he might venture to say that the House had never interfered in that manner unless in cases of flagrant and gross corruption, or cases of such a character as seemed to call imperatively on the House to do so. He would, however, refer to one or two cases in which it appeared to him how very necessary it was that some little caution should be used by the House as to the mode of proceeding in cases of this description. In 1841, Mr. Charles Williams Wynn brought forward a Motion for prosecuting Dr. Webster for bribery at the St. Albans election. The Committee had not reported that Dr. Webster was guilty of bribery; but, on examining the evidence taken before the Committee, there were two cases which seemed to establish the charge against him. With some reluctance, and after considerable opposition on the part of Members of great weight and authority, the House, as he thought unfortunately, yielded to the Motion, and directed a prosecution to be instituted against Dr. Webster. Now, he thought the House would go along with him in opinion, that they ought never to direct a prosecution unless they had a reasonable expectation that they would be able to secure a conviction; because it was obvious that the House would sustain considerable prejudice and damage if they solemnly directed a prosecution to be instituted; and it afterwards turned out that the charge made was without foundation.

Well, what happened in that case? He (Sir F. Thesiger) appeared on that occasion for the Attorney General, and the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) appeared for Dr. Webster, and the result was a verdict of "not guilty." But there were some proceedings consequent on the Motion of Mr. Wynn, which he thought were not calculated to sustain the credit of that House in the estimation of the country. Mr. Ward, who took part in the debate against the Motion for prosecuting Dr. Webster, in three days afterwards (June 11), brought forward a Motion with reference to the Cambridge election, the Report of the Committee on that subject having been presented to the House in June, 1840; so that twelve months had been allowed to elapse after the Report of the Committee had been presented before bringing forward the Motion upon it. It was perfectly clear, therefore, that it was a retaliatory Motion. Unfortunately, the Motion of Mr. Ward was also carried, not for the prosecution of Mr. Manners Sutton, who was declared to have been by his agents guilty of bribery, but for the prosecution of two persons named Long and Swann—Long being then under prosecution by other parties. He thought, therefore, that the House should be extremely cautious in directing prosecutions which might be attributed, in the first place, to strong party feelings; and, in the next place, where there was not a fair and reasonable prospect that there would be a conviction if they went before a jury. In no case would it be expedient to direct such a prosecution, in his opinion, unless to vindicate the honour and dignity of the House in cases of flagrant corruption. Now, what were the circumstances of the present case? Sir Frederic Smith, he might mention, had been for nineteen years resident in Chatham as Commandant of the Engineers there. He mentioned this to show that Sir Frederic Smith was no stranger in the borough, and that he had local interests and claims which were likely to be available on presenting himself as a candidate there. He commenced his canvass in March, 1852, at which period he was the only candidate in the field. About that time he called upon Joseph Greathead to ask him for his vote. On Sir Frederic Smith's first visit, Greathead, although he expressed himself favourably disposed towards him, would not promise his vote; but on his second visit he distinctly pledged himself to support him, and not only so, but proceeded to give him active support in canvassing. That occurrence had taken place about five months before the election, and some time before any other candidate had entered the field. He (Sir F. Thesiger) was of opinion that it would be only doing an act of simple justice towards Sir Frederic Smith to call the attention of the Committee to the opinion which that Gentleman entertained with respect to the sacred character of the promises which might be given by voters. Sir Frederic Smith was asked by a Member of the Committee—

> "In the conduct of your election did it occur to you, looking to the character of the voters of Chatham, that, whoever the man might have promised, he might not finally determine to give his vote until, in point of fact, he recorded it at the poll?—It did not; as I said yesterday, I believed those who promised me their votes would give me their votes.
>
> "Did it never occur to you that some of those who promised you their votes might have promised the other side?—I never suspected it.
>
> "Looking to the character of the voters, did it never occur to you, in a large constituency like Chatham, that it was possible many of them who promised their votes to you might have promised them on the other side?—I firmly believed that the promises given both to my opponent and to myself would be carried out."

He was also asked if he saw the distinction between a candidate soliciting places from the Admiralty for persons he expected to vote for him, and a Member making an application after the vote had been given. He answered—

> "I do not see the distinction; indeed I do not, because I consider the promise as good as the performance of it."

To show the House how Sir Frederic Smith carried out this principle in practice he might mention that, when he called on a voter, and found he had promised his vote to any other candidate, he never solicited that person further for his vote, considering a promise to vote against him as binding as a promise to vote in his favour. After Greathead had given his promise to vote for Sir Frederic Smith, he was canvassed by a Mr. Crockford in favour of Mr. Romaine, who had by that time become a candidate. Greathead, it appeared, was under some particular obligation to Crockford, and, in consideration of that obligation, he promised to vote for Mr. Romaine; and after Romaine had left the field he promised Crockford to vote for Sir James Stirling. It appeared from Greathead's evidence, that he had entered into some negotiation for disposing of his business, which he expected would be completed before the election, and that he believed he should not be in the borough to record his vote for either candidate at the time of the election. All this time Sir Frederic Smith was utterly ignorant of these circumstances, and indeed he was not in the slightest degree aware of them until he heard them given in evidence before the Committee. On the 10th of May Greathead applied to Sir Frederic Smith to procure a situation in the Post Office for his son, who, it appeared, was a journeyman tailor in London, at the time in a bad state of health. The real question before the House was entirely connected with that particular appointment. Sir Frederic Smith having previously, as he thought, secured the vote of Greathead, and never imagining that he was doing anything at all illegal or irregular, applied to the Government for a situation in the Post Office for Greathead's son, which situation he obtained on the 20th of May. So little had the parties concerned in that transaction considered that they had been acting illegally, that there was no secret whatsoever made with respect to the share which each party had taken in it; and Greathead had told several persons—and, among others, Crockford, who had applied to him for his vote, and who was the agent of the opposite candidate, that he had obtained a situation for his son through the interposition of Sir Frederic Smith. About the 17th of June, Greathead's negotiation for the disposal of his business having gone off, and finding himself obliged to remain in Chatham, he gave his vote in favour of Sir Frederic Smith. Now, the question which the Committee had to consider was, whether, in the circumstances to which he had just referred, there was anything which brought Sir Frederic Smith within the provisions of the Act against bribery, and which would compel them to report unfavourably against him. The Committee examined both Sir Frederic Smith and Greathead. Greathead was asked—

> "Upon your oath were you induced to vote for Sir Frederic Smith in consequence of any promise or any expectation that he held out to you that you would get a place for your son in the Post Office or elsewhere?—I most solemnly declare I gave my vote to Sir Frederic Smith irrespective of anything.
>
> "Were you on Sir Frederic Smith's Committee?—No.
>
> "You utterly disavow any bargain or contract with Sir Frederic Smith?—Decidedly.
>
> "No conditions whatever?—Not any."

Now, he would appeal to the experience of hon. Members, whether, in canvassing a large constituency, there was anything they had found more difficult than to prevent persons making applications to them for favours on such occasions, and to avoid making promises which might afterwards be adduced as evidence against them before a Committee of that House? Sir Frederic Smith, who, as many hon. Members knew, was a straightforward, manly, honourable person, and who had no notion that, when a promise to vote had been given, it was possible for the voter to recede from it, made the application for the situation without the slightest idea that he was thereby endangering his seat. The Committee had evidently some difficulty in deciding the question as to whether this transaction constituted bribery on the part of Sir Frederic Smith or not, and accordingly they framed their Report in a manner which, while he admitted that it affected Sir Frederic Smith's seat, was more directed to the bribery which was connected with Greathead and Greathead's influence, than with the acts of bribery committed by Sir Frederic Smith himself. The House would observe that in the guarded expressions used by the Committee in their Report, they did not allege that Joseph Greathead had been bribed by Sir Frederic Smith, but by a situation obtained for his son by Sir Frederic Smith. He (Sir F. Thesiger) considered that no bribery, in the proper sense of that term, had been committed by Sir Frederic Smith. The 7th section of the 2nd *Geo.* II., chap. 24, provided that—

> "If any person, through himself, or by any person employed by him, should, by any gift or reward, or by any promise of a gift or reward, procure any person or persons to vote at any such election, such party shall for every such offence forfeit 500*l.*, and be disabled from holding any corporate office."

It was necessary therefore that Sir Frederic Smith should have been shown to have corrupted or procured the vote of a party by the promise or gift of some office under the Government. He (Sir F. Thesiger) had given this subject very anxious consideration; and if he had been a Member of the Committee he must have come to the conclusion that no case of bribery had been established against Sir Frederic Smith. He would further say, that he was satisfied no court in this kingdom would hold that where a voter, without any inducement or improper influence, had promised his vote originally to a particular candidate, and had adhered to that promise, anything which intervened betwen the period at which the promise had been given and the election, and which the voter himself declared had not the slightest influence in inducing him to give his vote, could be regarded as corrupting, or procuring the vote of such person, within the intention of the Act of Parliament. Supposing, however, the Committee were right in coming to the conclusion that Sir Frederic Smith had been guilty of bribery in respect of this transaction, he thought it was clear that it was not the intention or wish of the Committee that any proceedings should be taken against Sir Frederic Smith. He conceived this was satisfactorily shown by the very guarded language of the Report of the Committee. He would put it to the House, then, whether they ought to undertake the office of prosecutor unless very gross and flagrant corruption had taken place, and unless it was perfectly clear that upon the evidence which could be adduced, a jury would convict the person accused. It was no light matter for the House to determine upon a prosecution of this kind, because there would necessarily be a very strong prejudice against the person placed upon his trial, for it would be assumed that the House had very carefully weighed and considered the evidence, and that the circumstances were of such a character as to render it imperative upon the House to interfere for the vindication of its honour and integrity. He would further ask the House to consider the stigma they would affix upon the character of a highly honourable man by determining to institute such a prosecution. If Sir Frederic Smith had been guilty of gross and scandalous corruption, then it would have been quite right that a prosecution should be instituted against him; but he (Sir F. Thesiger) could not bring himself to believe that Sir Frederic Smith had had the slightest intention to infringe the law. In any case of flagrant corruption or perjury, he (Sir F. Thesiger) would be quite ready to assent to proceedings for punishing the offender, whether he were a poor man or occupied an exalted position; but he earnestly implored the House not to adopt hastily a course which would at once be a condemnation of Sir Frederic Smith, unless they thought there were other circumstances in the case than those which he (Sir F. Thesiger) had felt it his duty to bring before them. If the object of the hon. Member for Westminster was punishment, he (Sir F. Thesiger) could only say that Sir Frederic Smith had been already most severely punished. He had lain under the heaviest imputations ever since the hon. Baronet (Sir J. Shelley) had given notice of his Motion; he had lost the seat in that House which had been the object of his pride and his ambition; and he (Sir F. Thesiger) believed that his punishment had been quite sufficient to lead candidates carefully to abstain from any transactions whatever with electors beyond mere canvassing. He (Sir F. Thesiger) would put it to hon. Gentlemen whether there was one Member in that House who, after his return, had not been repeatedly applied to to obtain situations either for persons who had voted for him or for their relatives? Was there any hon. Member who had happened to be connected with the Government who had not over and over again applied for and obtained such appointments? Now, if Sir Frederic Smith had had more experience of elections and of canvassing—if he had been as cautious as many Members of that House, he would have abstained from making any promise at all, and when the election was over he would have obtained the situation for the person who had applied to him through an electoral friend. He considered, that with regard to the question of morality, it could not make the slightest difference whether the application was made during the election and the situation was obtained afterwards, or whether the application was made subsequently to the election. He (Sir F. Thesiger) would be glad to hear, however, before the discussion closed, some statement on the part of the Government of the view which they took of the case. He hoped that the House, called upon as it was to exercise its discretion upon the question under its notice, would hesitate before it declared aloud that a prosecution should be instituted against Sir Frederic Smith, and that hon. Members would join with him (Sir F. Thesiger) in opposing the Motion of the hon. Member for Westminster.

MR. W. WILLIAMS said, he was quite sure no Member of that House felt a greater abhorrence than he did of bribery and corruption being employed to obtain a seat there; but his difficulty in this case was, that it was a notorious fact that a vast mass of Members obtained their seats by means more objectionable and reprehensible than those under consideration. If they prosecuted Sir Frederic Smith, they would, he feared, stand in no better estimation with the public than they did at present. They ought to deal with the whole question of bribery, and pass an Act of Parliament, which would make it penal for a Member to obtain his seat by improper means. A great many Members had been unseated during the present Session, but he believed that, with the exception of Sir Frederic Smith, they had all been acquitted of any personal knowledge of bribery; yet many of those Gentlemen had admitted before the Committees that they had paid thousands of pounds for gaining their seats, although they need not have expended as many hundreds. He must say, that he looked upon this charge against Sir Frederic Smith as one of a very light character as compared with many others which had been made; and he would suggest to the hon. Member for Westminster that he should not press his Motion, for it was quite clear, as the hon. and learned Member (Sir F. Thesiger) had stated, that Sir Frederic Smith was an inexperienced hand. The hon. Baronet (Sir J. Shelley) should endeavour to take means to repress the system in future.

Mr. BRAMSTON said, he wished, as Chairman of the Committee upon whose Report Sir Frederic Smith had been unseated, to say a few words on this subject. At the same time, he doubted whether the House would think it right that he, as a Member of the Committee, should defend the course they had taken. The Committee upstairs was a judicial tribunal, and that House was not a Court of Appeal. It therefore appeared to him that, if he were to address himself to the House with respect to the reasons which induced the Committee to come to their decision, he would be speaking *coram non judice*. At the same time, he might say that, although the Committee had reported only upon one case, they had considered the whole evidence brought before them, and upon that evidence they came to the decision they had adopted. He thought it was proved to the Committee by various witnesses that it was quite impossible for any candidate to stand for Chatham without giving promises to voters; and the question was whether, in forming constituencies of the peculiar character of the Chatham and other dockyard constituencies, that House had not been parties to the crime; whether they had not, by their legislation, tended to corrupt and destroy the character of the dockyard constituencies, and laid a snare which no candidate who presented himself to such constituencies could fail to fall into. He thought it was the duty of that House to consider whether they might not take some means to correct this evil; but he did not think that, under present circumstances, it would be consistent with the dignity of the House to order the prosecution of a man for a crime to which they had themselves been privy.

Mr. APSLEY PELLATT said, that as a Member of the Committee, he must say that, although he should like to see the Motion withdrawn, if it should be pressed he would feel bound, on abstract principles of justice, to vote in its favour. He thought the circumstances which had occurred at Chatham were of a trivial nature compared with the corruption which had existed in other places, and the House might impose an amount of punishment greater than the offence deserved. He considered that the House should deal broadly with the whole question, and punish both agents and the receivers of bribes. It was quite plain, however, that Sir Frederic Smith had laboured under the monomania that he might grant favours to voters during the election even without making himself liable to a prosecution for bribery. As the Committee entertained a doubt as to the state of the law, they had required the learned counsel to discuss that question; and they had come to the conclusion that it was a case coming within the operation of the Bribery Act.

Mr. NEWDEGATE said, that the Report of the Committee, in which he concurred, was based upon the fact that there was no evidence to prove that Sir Frederic Smith had not intended to bribe the voter Greathead, but that Greathead's conduct had been influenced by the place which had been procured for him. That, therefore, Greathead was, according to the legal interpretation of the term "bribed," though Sir Frederic Smith did not intend to bribe him. He could not conceive a case in which it would be more improper for that House to order the prosecution of a candidate than the case then under their consideration. The Committee, feeling doubtful as to the law, had recourse to the learned counsel for information; if the House had the means of judging of all the circumstances of the case, he was convinced they would come to the same conclusion as the Committee. An hon. Member of the Committee

(Mr. Pellatt) had stated that, if the Motion were pressed, he should vote for it. He (Mr. Newdegate) should vote against it, because he considered that it would be an act of injustice to mark out the very venial case against Sir Frederic Smith as calling for peculiar reprobation, in the face of so many other cases of a far more criminal character which had been brought under their notice, and had been left unpunished. The decision of the Committee, the loss of his seat, and the fruitless expenses of the election and defence before the Committee, had inflicted, in his opinion, a sufficient punishment for Sir Frederic Smith. The House would not act in acordance with its character for justice if they agreed to the Motion of the hon. Baronet the Member for Westminster.

MR. PIGOTT appealed to the hon. Baronet the Member for Westminster (Sir J. Shelley) to withdraw his Motion, seeing that the feeling on both sides of the House was against it.

MR. MASTERS SMITH said, he did not intend to impute any improper motives to the hon. Baronet in bringing forward this Motion; but he really could not see what object was to be gained by it. The hon. Baronet was the self-elected champion of the British constitution; but if it was his object to secure for the subject a greater amount of constitutional freedom, or even to purify the present electoral system, he had taken a wrong method of going about the business. To persecute a single individual was not the way to effect a great constitutional change. He admitted that the case of Chatham called for a prosecution; but that prosecution, instead of being directed against Sir Frederick Smith, should be levelled against some of the witnesses who appeared and gave evidence before the Committee. Perjury of the grossest description had been committed by more than one of those witnesses, and the case called loudly for inquiry. [*Cries of* "Divide!"] He would not detain the House with any further remarks; but, being the representative of the county in which Chatham was situated, and being intimately connected by residence with the borough itself, he hoped he would be pardoned for calling on the House to reject the Motion of the hon. Member for Westminster.

MR. W. J. FOX said, he apprehended that whether Sir Frederic Smith were prosecuted or not, could signify very little, either to the character of the House, or to its influence in checking the corruption which unhappily prevailed in so many of their constituencies. He did not rise, however, with reference to that question, so much as in regard to the challenge thrown out by the hon. and learned Member for Stamford (Sir F. Thesiger) to any Member of the House to say whether he had not been applied to after his election, by his constituents, to obtain places for them, and whether they had not actually obtained such places. Now, he would be sorry if that challenge should go forth to the world altogether unanswered, and for the simple reason that, to himself, it might be a matter of personal inconvenience. He said so because, neither in the last Parliament, nor in the present, had he ever, to the best of his recollection, been applied to by any constituent of his, for any such purpose, nor had he ever applied for, or obtained from Her Majesty's Government, any situation whatever for any person. He had no doubt that many others, besides himself, could make the same declaration if they chose. With respect to the Motion for prosecuting Sir Frederic Smith, he was afraid the country would regard it as one of those occasional ebullitions of purity in which that House sometimes indulged, but which could be attended with no practical advantage. It was not by selecting this or that person, or even this or that borough, that anything effectual was to be done in the way of grappling with the dreadful amount of crime and degradation which the existing electoral system had created, but by passing a measure that would strike at the root of the evil, and the adoption of such regulations as to the conduct of electoral business as would get rid of the tendency to exercise undue influence on the one hand, and the poverty and liability to temptation on the other.

MR. T. DUNCOMBE said, the House ought, before it acceded to this Motion, to consider what a serious thing it was to undertake a criminal prosecution against an individual for bribery. It was not the decision of the Committee they had to look to, but whether there was evidence to go before a jury sufficient to induce them to convict Sir Frederic Smith. He (Mr. Duncombe) believed that there was not. In the Derby case a man named Morgan was prosecuted, and pleaded guilty—but what did the jury do? They said, in effect, "Really the House of Commons is so steeped to the chin in corruption and bribery that although we find Morgan guilty, we recommend him to mercy." Then what did the Judge say? "This Morgan has been guilty of an heinous offence, but so have other people before him. Go about your business, and never do so again." That was the end of Morgan. He did not believe, however, that that would be the case with Sir Frederic Smith, for the jury would not find him guilty at all. If the feeling of the Chairman and Committee were worth anything, let them pause to consider what those Gentlemen had said. They had said that they found Sir Frederic Smith guilty of bribery because they were obliged to do so under the strict letter of the Act of Parliament; but they, in addition, gave their opinion that the case ought not to be prosecuted. He thought it very inconvenient that Members of Committees should be obliged to vindicate their decisions in that House, as he was satisfied they had discharged their duty conscientiously; and he thought the public had a right to be grateful for one portion of their Report—not the miserable case of Sir Frederic Smith—but their Report that the electors of Chatham were so dependent on Government that it was impossible they could fairly exercise the franchise, and ought therefore to be disfranchised. Under these circumstances, he thought that the present case ought not be proceeded with. They had that evening had a Motion by the hon. Member for East Surrey (Mr. L. King) for making the franchise uniform in counties and boroughs; and his hon. Friend had withdrawn his Motion because the Minister had promised a large and comprehensive measure of reform next Session. He (Mr. Duncombe), although he had seconded the Motion, advised his hon. Friend, under the circumstances, to withdraw it. The test of the present Administration would be the manner in which they dealt with these questions, for they must not only deal with the extension of the franchise, but also with the system of corruption which had been so well exposed before the different Election Committees this Session. If they dealt well, depend on it they would be entitled to public gratitude, and therefore, as both Parliamentary reform, and these corruptions in our representative system must be dealt with under a new Reform Bill, he would ask was it worth while, steeped as they were in corruption, either in former days or in the present, to lose time with such prosecutions as that they were then discussing? He did not think the House would raise itself in public estimation by persisting with this Motion.

MR. W. O. STANLEY said, he hoped that due weight would be given to the Report of the Committee, and that the House would not permit itself to be led away by the speech of the hon. and learned Member for Stamford (Sir F. Thesiger), whom he must blame for having attempted to palliate the conduct of Sir Frederic Smith, by imputing bribery and corruption to every Member of that House.

SIR FREDERIC THESIGER said, he must deny having made such a statement.

MR. W. O. STANLEY said, notwithstanding the denial of the hon. and learned Member, he must maintain that the tenor of the hon. and learned Gentleman's speech was such as he had represented it. However, to pass from that point, he held that the Report of an Election Committee was tantamount to the report of a grand jury, and that it was the duty of that House, in all cases where bribery had been proved, to submit the facts to the Attorney General, with a view to the prosecution of the parties implicated. Such, he thought, should be the course adopted in the present instance.

MR. HEYWOOD was understood to express his hearty concurrence in the decision of the Committee, of which he was a member, and his desire that something should be done to suppress the system of bribery and corruption existing at Chatham.

SIR JOHN SHELLEY said, that the hon. and learned Member (Sir F. Thesiger) had said that the House should look especially to the honour and integrity of its Members. That was his (Sir J. Shelley's) object in making his Motion. As to the observations about the Report of the Committee, he had stated before that he made the Motion without reading the evidence, being satisfied that the Report was sufficient. Looking at the case of the man Mount, he thought it would not be fair if the House did not take notice of the rest of the Report also, and therefore he had brought this case before the House. The hon. and learned Member had also appealed to the law officers of the Crown; and he (Sir J. Shelley) would add that if the noble Lord who represented the Government in that House felt strongly on the subject of reform, an opinion might have been fairly expected from him also. He (Sir J. Shelley) would venture to say, that the people out of doors would be much astonished that not one Member of the Government had said a word during the debate. He had been urged to withdraw his Motion, and he might have done so, had he received an assurance similar to that which had influenced his hon. Friend the Member for East Surrey (Mr. L. King). But not one Member of the Government had condescended to say a single word, and therefore, although on any other occasion he would have been most happy to study the convenience of the House, he did not think that on the present occasion, and in the absence of any expression of opinion from the Government, he should be performing his duty did he not persist in asking the opinion of the House on his Motion.

LORD JOHN RUSSELL: I own I did not think, Sir, that this was a case in which the opinion of the Government should be used to sway the House in the decision to which it might arrive. It appeared to me that the first course I had to pursue was to endeavour to obtain the best advice I could, in order that my Colleagues and myself might be prepared to say what were their views of the law respecting this case; and accordingly we have consulted the law officers of the Crown, and those law officers have stated their opinion founded upon the Report and the evidence taken before the Committee, that there is ground for the prosecution of Sir Frederic Smith; that although they will not answer for the success of that prosecution, they think there is evidence to go before a Court of Law to show that Sir Frederic Smith has been guilty of bribery. That is the first question which I thought it was my duty to inquire about. But the other question, which concerns this House much more closely, is a question as to what is the meaning of the Report of the Committee. I own that the Report appears to me to have some ambiguity in it, and I cannot say that that ambiguity has been entirely removed by the speeches which have been made this evening by the Members of the Committee. It would appear on the face of this Report that the Committee are of opinion that Sir Frederic Smith has been guilty of inducing a voter of Chatham to vote in his favour by procuring for his son a situation in the Post-office. The words will admit of another interpretation; but if that other interpretation was the right one—if Sir Frederick Smith has done no more than obtain a situation in the Post-office for the son of a person of the name of Greathead, without any intention to influence Greathead in the giving of his vote, or without the slightest reference to the election at Chatham, that certainly would be a circumstance which the Committee would think it right to report. At the same time it is difficult to understand from the Chairman of the Committee, or from the members of the Committee, what exactly was their intention in making this Report. One hon. Gentleman has said that he thought the Committee were bound to come to this resolution, and, as I understand him, in the second sense only that Sir Frederic Smith has been guilty of bribery; and at the same time he said that in his opinion it is not right to prosecute Sir Frederic Smith for bribery, on the ground that the constituent body of Chatham was such that no person could become a candidate for Chatham without being led into corrupt promises and practices of this kind. Now, I own that is a statement to which I cannot give my sanction. I can understand its being said, though I think even this would be a most unfounded statement, that a person cannot become a candidate for Chatham without being pressed with applications for promotions and appointments in the dockyards, which are in the hands of the Government there, that he really could not avoid yielding to the temptation; but that such temptation exists at Chatham as to lead a candidate to bribe a voter with a situation as a letter carrier in the Post-office is really a statement which appears to me to be utterly without foundation. I cannot imagine that Chatham, any more than any other borough in the kingdom, is in such a situation that a gentleman cannot become a candidate there without promising places in the Post-office. But then another hon. Gentleman, whom I see opposite, a Member of the Committee, says that he believes Sir Frederic Smith did not intend corruptly to influence Greathead in the giving of his vote, and that he would not vote for prosecuting Sir Frederic Smith on that account. Well, I can give the hon. Gentleman credit for his conscientious convictions. I believe that he thinks it right not to vote for the Motion now before the House; but what I cannot understand is, how he could be a party to this Report. It really places the House in a situation of great difficulty. If Sir Frederic Smith had no corrupt intention to influence the vote of Greathead, why the whole matter of the offence is wiped out. To influence a voter is to bribe him either with money or office, or with something else of equivalent value; and if it be true that Sir Frederic Smith had no intention of so influencing Greathead, why then the offence does not exist, and consequently the Committee ought not to have made a Report charging him with bribery. A third Member of the Committee speaking more distinctly than any of the others, said that he was convinced that Sir Frederic Smith had been guilty of bribery, yet he told us also that the Committee were unanimous in wishing that a prosecution should not be instituted. Well, I must say, upon the whole, that this places the House in a position of considerable difficulty. I really cannot but think that the Committee—and certainly I am sorry to blame them in any respect, because I have no doubt they conscientiously agreed to what they considered to be right—ought either to have stated in their Report that Sir Frederic Smith has, in point of fact, been guilty of bribery, and have supported the present Motion, or one of a similar nature, or to have declared that the charge of bribery, as against Sir Frederic Smith, had not been proved to their satisfaction, or had been entirely disproved. The position in which the House now finds itself is this—we have agreed to a solemn Resolution expressed in the following terms:—

> "That if it shall appear that any person hath been elected or returned a Member of this House, or endeavoured so to be, by bribery, or any other corrupt practices, this House will proceed with the utmost severity against all such persons as shall have been wilfully concerned in such bribery, or other corrupt practices."

Now, I must say, I think it would be very wrong to allow such a Resolution as that to stand upon our books, and at the same time not to take notice of a case of bribery which is brought before us by the Committee specially appointed to investigate it; and the justice of the House is, I think, very ill-satisfied by this Resolution, if we allow persons of low condition in point of pecuniary means to be prosecuted by the Attorney General, on account of the transactions in which they have taken part of a corrupt nature, and then refuse to act in a case in which a person of some consequence and standing in society is concerned. I think the hon. Baronet the Member for Westminster (Sir J. Shelley) stated, in introducing his Motion to the House, that we have already directed prosecutions to be instituted against several persons of low condition, and he said, very truly and justly, that we would not stand well with the country if, having done that, we should hesitate, and refuse to sanction the prosecution of a man of some note and distinction, when a case of bribery has been proved against him. On the whole, as I have previously observed, I think the House is placed in a very difficult position. I do not think it is the business of the Government in any way to influence the decision of the House on this particular question. I intended to have given my vote for the Motion without saying a single word, and I should not have taken any part in the discussion if I had not been appealed to by the hon. Baronet the Member for Westminster. I think, perhaps, in consideration of what has been said, and seeing it is the anxious wish of those who made this Report, that the House should refrain from instituting this prosecution, that you may take that course; but at the same time, feeling that such a decision may probably expose us to great misconception, I think the Committee has brought the House into that position where it will find it difficult hereafter to vote for the prosecution by the Attorney General of any man in any case whatever connected with bribery and corruption at elections. I do not know that it may not be as well that the Resolution I have read should be expunged from the books of the House, and that no prosecutions should in future take place. I do not know whether that is the best way of ending the difficulty, but I am sure of this, that it is not just to prosecute all the low and poor persons who may violate the law in cases of bribery, and then pass over such a case as that of Sir Frederic Smith; and if the House is of opinion, as it seems to be, that we should not prosecute persons of wealth and influence, then I shall come down to the House prepared to vote against all future Motions for prosecutions.

MR. NEWDEGATE said, that what he had meant to state was, that the voter had been corrupted, but that he had not understood that the candidate had meant to corrupt him.

MR. STUART WORTLEY said, he could have understood the line of argument of the noble Lord, if the House had had before it nothing but the Report of the Committee and the opinion now given by its Members; but he should remember that the evidence taken had been laid on the table, and, if there was any use in laying the evidence on the table, it surely was to enable the House to judge whether they should take any ulterior proceedings. It would be well for the House to consider, before consenting to this Motion, whether it would not be regarded out of doors as having an appearance of vindictive feeling, or of making a scapegoat for many offenders. He had himself looked into the evidence taken before the Committee, and from that evidence he could understand why the Committee had adopted the conclusion at which they had arrived, while he felt, at the same time, that there was nothing in it which could secure the conviction of Sir Frederic Smith. He could not conceive it possible that a conviction could take place; and the House would do well to be cautious of venturing upon proceedings so grave with a prospect of discomfiture and defeat. It seemed that the law advisers of the Crown held that there was ground for a prosecution. That could only be, he apprehended, by making use of the examination of Sir Frederic Smith himself. But that was contrary to the whole spirit of our criminal procedure. It was the practice of other countries for prisoners to be interrogated by the Judge, and cross examined by counsel. Thank God it was not the practice of this country; but if the evidence of Sir Frederic Smith was to be made the foundation of a prosecution, we should make a precedent which might be most mischievous in its consequences.

The SOLICITOR GENERAL said, he must beg to explain that the right hon. and learned Member was mistaken. The law officers of the Crown, in giving the guarded opinion which the House had heard, had proceeded upon the general evidence in the case. He would warn the House against sitting in judgment upon the decision of its Committees.

SIR JOHN SHELLEY said, that after the speech of the noble Lord (Lord John Russell) he should certainly go to a division.

MR. DRUMMOND said, he was very sorry to interfere with any Gentleman's dinner hour, but he had still more reluctance to allow this debate to close without entering his protest, and giving his reasons for so doing, against the course now insisted upon by the hon. Baronet (Sir J. Shelley). He had waited during the whole course of the discussion, because he was unwilling to obtrude himself, and because he took a view wholly different from hon. Members. He entirely agreed with the hon. Member for Oldham (Mr. W. J. Fox), when he said it was "a poor exhibition of their would-be purity." He (Mr. Drummond) had ever abstained from taking a part in such discussions so long as the purists confined their exertions to disfranchising voters who had the wisdom to make the only use they could of their votes; but when, going beyond that, the House was now urged to institute a criminal proceeding against a meritorious officer and an honourable gentleman—when they were all called upon to take up stones to cast at Sir Frederic Smith, he should like to inquire where was the man who could say, "I am without sin?" It was said some time ago in the *Edinburgh Review*, to show the absurdity of enacting laws against the sale of game, that "the 3 per cents would eat pheasants." In the same way he would say that the 3 per cents would sit in that House—that Bank directors and East India directors would sit in that House—that "railway kings" would sit in that House—and they were threatened occasionally with a rush of the whole of what was called "the railway interest." So long as there were rich and poor, you never would be able to persuade men that there was crime in catching and killing and selling wild animals, nor in a poor man selling anything which a rich man was willing to buy. There were only two ways of governing mankind; you must either govern by brute force, with the assistance of standing armies and police, or you must govern by self-interest. You might call it bribery, or corruption, or give it any hard name you liked, but it was that which pervaded your whole system, from the palace of the Sovereign, through the House of Lords, through the House of Commons, and through the whole of the constituencies, and you could not rule in any other way. True, the brute-force system had rather run to seed in France just now, and the Bastile and *lettres de cachet* were revived in a way that seemed very offensive to us, who talked of the liberty of the subject; but, pray, was not our system of national representation run to seed? Did hon. Gentlemen think that the exhibition they had made in this last year was not a good excuse to the Emperor of Austria and the Emperor of the French for not having fallen so desperately in love with representative institutions? And why was it that this exhibition had been made this year? Mrs. Hannah More told us of a gentleman who went "in search of a wife," and Mr. Thomas Moore told us there was a gentleman who went "in search of a religion;" last year for the first time the public witnessed the spectacle of a Prime Minister who went in search of a policy. What was the consequence? He gave four months' notice that he was going out upon this expedition, and every attorney in the kingdom determined that there should be a contested election in every place; and they got up candidates, and not only candidates but also petitions. They returned the Members, and, as many of the Committees of that House had stated, they unseated Members by their own conduct in bribing, where the Member had nothing to do with the matter. They got up false petitions. In this very case—the Chatham case—it came out that, before there was a rival candidate to Sir Frederic Smith, a petition was got up. It was a necessary part of their machinery to have a petition as well as a Member. Then followed the transactions of such men as the Coppocks and the Browns, who, outside the doors of the House of Commons, played off one candidate against another, as they would a game of chess, giving a bishop for a rook, three false petitions (as a Gentleman explained to one Committee) for one fighting petition. Why was there such desperate anxiety to come into that House? Because that House was the great place bazaar, the great office market. Here place-scrip was sold and bought. Why was the House blest with so many Gentlemen of the legal profession? Was it not because they found that a flashy partisan speech in that House was a surer road to the Bench than hard fagging in chambers or attendance in court. But was it for the public advantage that that should be the school in which the lawyer should study for the gravity of the ermine? He was not sure whether the hon. and learned Attorney General was in his place just now; but there were Gentlemen in that House of whom it was pretty well known that by this title they got the situations which they adorned. To be sure, every class had its price, as well as every individual. You could not bribe in the House of Lords by 2*l.* 10*s.*, or a place in the Post-office, but was there no bribery in making Barons Viscounts, and Viscounts Earls, and Earls Marquesses? There was a Bill introduced by the noble Lord (Lord J. Russell) or some reformer or other, prohibiting the giving a few yards of penny riband to the wives and daughters of the electors—it was bribery! But you would find in the House of Lords the gift of three yards of green riband, or blue riband, very conducive to the public interest. He (Mr. Drummond) was not at all censuring these proceedings—on the contrary, he justified them; it was the only system by which your Government could be carried on. He much regretted that the Government had not got a great deal more power of that sort. When Gentlemen came down to that House, they must carry on their "bribery and corruption," as it was called (which was self-interest), in another way. They must put up with seats at Boards, and things of that sort; and when there was a man that was particularly boring, why, he must be sent to Hong Kong. He (Mr. Drummond) was very sorry that the Government had not in their gift a great many Hong Kongs; the House would be much improved by it. But there were other places. He was old enough to remember when Mr. Perceval's Government was nearly destroyed because a Gentleman in the Treasury refused to vote for him until he had given another brother a place; and did they not all remember the failure of Sir Robert Peel in forming a Government in consequence of the interference of certain Ladies of the Bedchamber? and, unless all rumour's tongues united in falsehood, it was said that the noble Lord (Lord John Russell) had, not very long ago, received a letter of remonstrance from the head of a large family not particularly remarkable for talent or for modesty, because he had not included some of them in the new arrangements. Now, in what consisted the weakness of the Government? Simply mere want of places. There was no danger to the Government from any opposition that could be offered from the other side of the House. The danger was that it received shots from the rear. If the Treasury were to be symbolised or embodied, it would be as Cybele or Tellus, with more applicants for nourishment than she could supply; or he would take a more homely illustration—that of Gillray's caricature of the sow that brought forth more pigs than she had teats for. He saw in the notice paper a Motion from one of the friends of the Government, who sat behind him—the Treasury bench—something about India. What was it but the squeak of a pig that had got no teat? He took the liberty, on a former occasion, to implore the head of the Government in that House, in consequence of the state of things that had been brought about by the Reform Bill, never to uit his office—which, by the way, he was reproached by the right hon. Gentleman opposite (Mr. Disraeli) for holding—upon any petulant vote that that House might come to until there was a direct and specific Resolution for an Address to the Crown on the subject. The noble Lord had been taunted with the situation he now occupied; but, in his humble opinion, that situation was the most honourable the noble Lord had ever filled, and he besought the noble Lord—not as an individual, but as the head of the Government—there to remain until the Motion he had alluded to should be carried. The right hon. Gentleman over the way (Mr. Disraeli) need not have quitted office if he had chosen to remain; and Lord Derby ought either never to have taken office or never to have quitted it, for there was no doubt these constant changes were greatly to the detriment of the public service. But the fact was, they never had had reformers—they had had mere speculators in constitutions. Their reform would have led them back to the wisdom, and principles, and practice of their ancestors, and they would have seen that unless they gave property its legitimate way of action, it would use the illegal way of continual bribery; and, moreover, he hoped it would, and that they would not be able to make that House a mass of paupers. They must make that House the representatives of the wealth of the people, and, when they did that, they would not find the bribery of which they now complained. As to the immediate Motion before the House, of prosecuting Sir Frederic Smith, they who voted for it were the men who were disgraced by it, and not Sir Frederic Smith. What was the simple question? That gentleman had lived in the place for many years—he was proved before the Committee to be a kind and charitable man to his political foes as well as to his friends, never asking any question on the subject—and, because he obtained a Post-office place of the value of 12*s.* a week, all their purity was up in arms, and they thought to go and show the country at large what sinless pure creatures they were themselves. He thought the Motion was discreditable to the House, and therefore he was opposed to it.

Mr. HUME said, he could not agree with the hon. Gentleman that this Motion was discreditable. The speech of the hon. Gentleman, indeed, was one of the most extraordinary he had ever heard. It was a speech that he could not have believed any Englishman would have stood up in that House and delivered. The hon. Gentleman had libelled the House—[*Loud cries of* "Hear!"]—he had libelled the country; and, whatever the House of Lords might be, he had libelled that and all who were connected with it. Would they not support the Resolution they had come to, and show the country that they would maintain the purity of election? The hon. Gentleman said he wished there was more bribery and corruption, and that men were more debased than they were. He should be sorry to see it—they were too much so already. It had been his endeavour to get an honest House, and the best way to attain that result would be to support such Resolutions as the one now before them. They would be wanting in respect to their own character, and to the character of that House, if they did not agree to the Resolution.

Mr. RICH said, the hon. Gentleman the Member for West Surrey (Mr. Drummond) had done him the favour to make a joke at his expense. As to the expressions of the hon. Gentleman, he could laugh at them as well as his neighbours; for, having been nearly twenty years in that House, he believed he could say he had conducted himself both in public and in private life as a gentleman and a man of honour. Now, as far as the Motion of which he had given notice was concerned, no hostility was intended to the Government. The present Government he regarded with unfeigned respect. It was composed of many honourable and independent Gentlemen capable of carrying on the Government, and from him they would receive the most cordial support when his conscience would go with them.

Sir JOHN SHELLEY believed, and hoped, there was no man in the House less quarrelsome than he was; but words had been let drop by the hon. Gentleman near him (Mr. Drummond) which, for the credit of that House, required some explanation.

Mr. SPEAKER said, that if the hon. Baronet had wished to take exception to any word spoken by the hon. Gentleman the Member for West Surrey, he ought to have done it at the time.

Mr. DRUMMOND said, if he had used any words that were improper, he would at once withdraw them.

Sir JOHN SHELLEY: You said the Motion was disgraceful and discreditable to the House.

Mr. MUNTZ said, he was not one of those pigs that wanted a Government teat;

but there was a very important question before the House, and it would be well for them to consider, before they voted upon it, what the people out of doors thought of this sort of thing. The proceedings of the Election Committee had given rise to a belief out of that House that there was a good deal of corruption, not merely on the part of the voters, but on the part of the Members, and the sooner they could clear that up the better. But there was a Resolution on the books of the House that they ought to punish any person seriously who did this sort of thing. Now, he never saw Sir Frederic Smith; all he knew was, that there was a Report to that House very prejudicial to his honesty, and if they permitted him to escape, or if he were not allowed the opportunity of clearing up the matter, the public might very well say that it was nothing but chattering in that House on the subject. With these feelings he should support the Resolution.

SIR THOMAS ACLAND said, an appeal had been made to the House by his hon. Friend who had just sat down on account of what the public would say of these matters. Now, he gave his vote on a question of personal justice and character, as if he were giving his vote on an indictment before the grand jury, and not from any regard whatever to what should be said of his conduct out of doors.

The House *divided:*—Ayes 78; Noes 188: Majority 110.

PRESENCE OF SOLDIERS AT ELECTIONS (IRELAND).

SIR JOHN FITZGERALD then rose to move for leave to bring in a Bill to provide, that the Act of Parliament which regulated the presence of soldiers in England during a Parliamentary election, be extended to Ireland. He was induced to make this Motion in consequence of the proceedings that had taken place at a recent election for the county of Clare, where a number of voters were seized upon by a military guard, and escorted by them to the polling station. It was the presence of soldiers at an election that had made standing armies unpopular in that country. The people were excited on that occasion, and naturally so under such circumstances. The late Government had brought a charge against the Roman Catholic clergy of having occasioned the lamentable sacrifice of six human lives on that occasion, but the verdict of the coroner's jury completely acquitted them. He wished to contrast the conduct pursued by the authorities at the Blackburn election with that of the magistrate at the Clare election. In the former case the magistrate had addressed the people in conciliatory terms, and induced them to disperse. He condemned the conduct of the commanding officer at the Six-mile Bridge affair, and attributed to his inattention to his duty the circumstance of the soldiers not being identified, as he was bound to examine the number of rounds of ball cartridges each man had on going out in the morning, and the number he had on returning from detached duty. He had himself commanded a regiment for fourteen years, and knew that such was the duty of the officer.

Notice taken, that Forty Members were not present; House counted; and Forty Members not being present,

The House was adjourned at half after Eight o'clock.

HOUSE OF LORDS,

Wednesday, May 4, 1853.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Wednesday, May 4, 1853.

MINUTES.] PUBLIC BILLS.—1° Bankruptcy (Scotland).

2° Probates of Wills and Grants of Administration.

PROBATE OF WILLS AND GRANTS OF ADMINISTRATION BILL.

Order for Second Reading read.

MR. HADFIELD, in moving the Second Reading of this Bill, said, he was quite willing that the further consideration of it should be postponed until after the Bill announced by the hon. and learned Solicitor General should be before the House.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

The SOLICITOR GENERAL said, that when, a month ago, he made a statement on this subject, he hoped that he should shortly be able to introduce a Bill. Considerable progress had since been made in the preparation of that Bill, and it was now nearly ready to be brought in; but, in consequence of communications he had received, he had referred it to the Chancery Commissioners for their opinion as to the testamentary jurisdiction. Some little time must therefore be allowed to enable the Commissioners to make their Report, as he was anxious not to bring in a measure without the high sanction of their recommendation. He might here remind the House that the important measure of last Session, for the reform of the Court of Chancery, and of which every day showed the advantages, embodied the recommendations of that learned body. At the same time, he could assure the House, that he was most anxious to fulfil the promises he had made; and he also believed he had authority to state, that if the Report of the Commissioners were delayed longer than was expected, the Bill which had been prepared would be immediately laid on the table. With regard to the Bill of his hon. Friend, he was willing that it should be read a second time now, with the understanding that when the larger measure was brought in, the latter should have precedence of consideration. He (the Solicitor General) was excessively desirous that ecclesiastical jurisdiction, in which there was nothing of a spiritual nature, but which was purely temporal, should be absorbed into a temporal court, and there was no court so proper for the purpose as the Court of Chancery. Unless that were done, any partial measure for the reform of the Ecclesiastical Courts which still left them existing, would be a step in the wrong direction. With these observations he was willing that the Bill should be read a second time.

Mr. R. PHILLIMORE said, he could not permit the Bill to be read a second time, even *pro formâ*, without entering his protest against its provisions. He thought this Bill ought to be described as Bill to cause, and not to prevent, the necessity of several probates and grants of administration, and that if allowed to go to a Committee *pro formâ*, it ought to be with the clear understanding that it contained provisions of a very objectionable character. He hoped, however, that this much-vexed question would be settled during the present Session.

The LORD ADVOCATE said, the Bill as it now stood did not provide for those reforms in Scotland which were desirable; but his hon. Friend (Mr. Hadfield) had agreed to take such clauses as he might propose in Committee for that purpose.

Mr. BECKETT DENISON hoped the Bill would be withdrawn, as the Government had already prepared a more comprehensive measure.

Mr. J. D. FITZGERALD said, he very much objected to this tinkering kind of legislation, which would not remove the evils which existed. The Bill extended to Ireland, but some of the provisions were very objectionable; and if he had not received the assurance of Her Majesty's Government that it was their intention to bring in a measure for regulating the Ecclesiastical Courts in that country, he should have felt it his duty to bring in such a Bill as a private Member.

Mr. HENLEY said, he thought the House ought not to read the Bill a second time. The Government had a Bill already prepared, and the hon. and learned Solicitor General said he would never consent to a measure which was only a partial reform of these Courts. This Bill would be an obstruction rather than an assistance to the prosecution of the more comprehensive reforms sketched by the hon. and learned Gentleman on a former occasion; and he should, therefore, move that it be read a second time that day six months.

Amendment proposed, to leave out the word "now;" and at the end of the Question, to add the words "upon this day six months."

Lord JOHN RUSSELL said, he saw no distinct reason for rejecting this Bill today. The House had not before it the plan of his hon. and learned Friend the Solicitor General, which he was prepared to put in the form of a Bill, and that plan might be modified by the Report of the Commissioners appointed specially to consider this subject. On some future day the House might be called on to give their ultimate decision; and such being the case, they ought not to reject the present Bill, or refuse every information and suggestion which could be brought under their notice. He should object to going into Committee on this Bill, feeling that it only dealt with one part of the subject: but he thought it would be wrong, at this stage, to reject it. Whether it was now read a second time, or whether the second reading was postponed, was of very little consequence; but on the part of the Government, he should object to the House going into Committee on this Bill until all the propositions of the Solicitor General were laid on the table of the House.

Mr. COLLIER said, the Bill was, no

doubt, imperfect, but, as far as it went, it was a good measure; and therefore it was unnecessary to stop its progress at the present stage. He agreed that the subject should be dealt with in a comprehensive manner; but he thought it would be better to refer the jurisdiction to the County Courts in non-contested cases, or up to a certain amount, and beyond that amount to the Courts of Common Law. He had given notice of a Bill upon the subject, not from any opposition to the Bill announced by the hon. and learned Solicitor General, nor from any hostility to the Government, and he should introduce it; but he would propose that it should be referred with the Bill of the Solicitor General to a Select Committee. The subject ought to be dealt with in the present Session, or the public would be greatly dissatisfied.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Bill read 2°.

PAYMENT OF WAGES BILL.

Order for Second Reading read.

Sir HENRY HALFORD,* in moving the Second Reading of the Bill, claimed the fullest measure of the indulgence of the House, as well on account of its importance as deeply affecting the condition of large classes of workmen, as from a sense of his own deficient power to do justice to the object he had in view. For a long period of years the payment of wages to workmen and artificers, otherwise than in the current coin of the realm, had been prohibited by law. The ancient laws on this subject had been consolidated and confirmed by the Act of William IV., commonly called the Truck Act; and he believed the policy of that Act, and the principle on which it was founded, was scarcely questioned by any, although complaints were frequently heard of its imperfection, and the evasions of which it admitted. In consequence of such complaints, a Government Commissioner had been instructed by the right hon. Baronet, the Member for Morpeth (Sir G. Grey), when Secretary of State, to inquire into the operation of the Act, and to suggest amendments; and the same instruction had been continued by the right hon. Member for Midhurst (Mr. Walpole), when he succeeded to office. That Commissioner (Mr. Tremenhere), in his report now before the House, bore testimony to the great and manifest advantages of the Act, notwithstanding its imperfections, particularly as not allowing any set-off in an action for wages, brought by a workman on account of goods supplied: he added some valuable suggestions for its improvement. But it was not his (Sir H. Halford's) object to urge these upon the attention of the House; but only to bring certain practices within the scope of the law, which were distinctly against its spirit, but which, by an unfortunate legal construction of terms, had been exempted from its operation. He was principally concerned for the framework knitters of the Midland Counties, a numerous and industrious class of workmen, than whom there was none in the kingdom which had been subjected to more distress and difficulty. Their condition, he was bound to admit, and happy to admit, was at present somewhat improved as compared with what it had been. Whether, in consequence of the change in our commercial policy, he could not say; but this he might say, that, observing such improvement, he had, never since it had been apparent, joined in any importunity for return to Protection. The plea, however, he had now to urge, although somewhat abated in its urgency, on the score of humanity, was as strong as it had ever been on that of justice; and this might also be said, that whereas before it was argued that the only remedy for the distress was by abandonment of the trade, there was now the prospect, with the fair play for which he asked, that it might take its place once more among the remunerative branches of British industry. But such was the amount of distress among the framework knitters in 1844, that in that year the Government appointed a Special Commissioner of inquiry, who had made a very elaborate report, which, with the evidence, occupied a large volume. Among the conclusions to which he had arrived was one to the effect that the distress was connected with an over-supply of labour, "having a constant manifest tendency to increase, and none to adapt itself to the irregularities or amount of the demand." Here, then, was an instance in which the ordinary principle of adaptation of supply to demand was frustrated; and this was explained in a subsequent conclusion, in which the excess of supply of labour was shown to be—

> "very powerfully influenced and encouraged by the system of frame rents, and the long-recognised custom of heavy deductions, on one pretext or another, from the wages of the workpeople,

which make it the interest of employers to spread any given amount of work among a larger amount of workmen than is necessary for its performance; a practice further greatly facilitated by the superabundant amount of machinery which has been created and brought into the trade by other than the legitimate employers in it, as profitable investment of capital, induced by the customary exorbitant rent of the frames."

These frame rents were a weekly deduction, invariably made from the earnings of the workman on account of the frame in which he works:—

> "The evidence," says the Commissioner, "both of masters and men is perfectly conclusive and coincident on one point, namely, that the amount of this deduction is regulated by no fixed rule or principle whatever; that it is not dependent on the value of the frame, on the amount of money earned in it, or on the extent of the work made; that it has differed in amount at different times, and now does so in different places."

And so full of evil did this practice appear to the Commissioner, and so entirely at variance with the spirit and terms of the Truck Act, that by his advice the question was brought to trial before the Courts of Law. Unfortunately, after being argued for two days before Lord Denman, in the Court of Queen's Bench, it was decided against the workmen. He (Sir H. Halford) was far from presuming to dispute the correctness of this judgment, according to the literal construction of the Act; but he thought no man could maintain that a practice, such as that of which he had repeated the description by the Commissioner, could be reconciled with the spirit or intention of a law, having for its object to secure to the workman his full remuneration, and to prevent the master from taking unjust advantage of his position. The deductions thus made were computed by the Commissioner at 40 per cent on the average of the earnings of the workman; but taking frame rent alone, there was abundant evidence to show that the stoppage on that account often extended to more than 100 per cent per annum on the value of the machine for which it was charged. One witness proved that a frame rented by an undertaker, or middleman, at 9*d.* a week, was afterwards sublet by him to a workman at 2*s.* 6*d.*, the value of the frame being altogether not more than 5*l.* The same witness knew of a number of frames, worth from 20*s.* to 2*l.* each, let at 1*s.* 6*d.* a week; and for one which had cost 30*s.* he had for five weeks been paying 1*s.* 6*d.* Another man stated that he had rented the same frame for five years without ever having it repaired. This, it might be said, was the evidence of the workmen themselves, and, as such, should be received with caution. He had no doubt of its truth, but it was confirmed by a witness above all suspicion. When he mentioned the name of Mr. Felkin, he mentioned that of a gentleman known to some Members of the House, and than whom there were none whose character stood higher for accuracy or acquaintance with the details of the hosiery manufacture. That gentleman, in some statistics he had published on the subject, had declared that—

> "a shop of sixty glove frames will net to the undertaker of his own property 575*l.* per annum, less the expense of repairs 75*l.*, or 500*l.* clear, for his capital and management. The original outlay (he adds) for the machines would be about 500*l.*"

It should be remembered, also, that these rents were levied whether the frames were at work or not, the idleness being itself caused very frequently by the undertaker himself in not giving out a sufficient quantity of materials to employ the workman. Idle or working, well or sick, this inflexible rent was always levied from the poor workmen; and not the least remarkable fact attending the practice—a fact contradicting all the ordinary laws of supply and demand—was this, that in proportion as the trade had been depressed, and the machinery became superabundant, the rent had increased: what had been 9*d.* a week had become 1*s.*; what 1*s.*—1*s.* 3*d.*, and more. Some facts, showing the extent of the oppression, had been made public since the Commissioner's Report. He took them as he found them in the newspapers, for they had never been contradicted. A case, it was said in the *Nottingham Review*, was taken before a bench of magistrates at Leicester, by a man named Tilly, who earned 9*s.* 1½*d.* in the week. The master took 9*s.* 1*d.* for frame rent, and other charges, and gave Tilly ½*d.* for his week's labour. A man named Fewkes engaged a frame of a master in Green's Lane, Leicester. The frame wanted getting to work, which took the man a great deal of time, and after a whole week's labour he earned 5*s.* 11¾*d.*; the master took for frame rent, and other charges, 5*s.* 6*d.*, and gave the workman for his week's labour 6*d.*, telling him he did not like to be hard with him. A man living in Wheat Street was unable to work, through illness, for several weeks in the early part of the year. Fortunately, he was in a sick club, and had to pay 2*s.* a week out of his sick pay for the rent of the frame during the whole time he was ill. Nor did the evil stop with cases of individual hardship, but extended to the general depression of the trade. The frames were some of them the property of the master manufacturers, some of the middlemen or undertakers, or hired by them from the master, or they might be the property of independent persons not otherwise connected with the trade; but in all cases they were let to the workmen by their immediate employers, by whom the extravagant profit upon the rent was made. The mode in which this system operated was emphatically described by the same authority he had before referred to, that of Mr. Felkin. "You have stated," says the Commissioner—

> "that there are frames not the property of the hosier; has this circumstance anything to do with the depression of wages?—These frames (he answers) are ordinarily first stopped in bad times, and last set on in a revival of trade. The effort to get even partial employment for them has often been so great as to induce the middle masters, in whose hands many of them are, to take out work at gradually decreasing rates; or, if not taken out at less prices, to give it out in scanty amounts, and for less than the regular wages. In fact, by working this lever in any state of the trade, when labour is not absolutely scarce, there need be no limit to the depression of wages, except the good feeling of the employer, and the incapacity or unwillingness of the employed to approach nearer to the point, where to work is not more gainful than to be idle."

Thus it appeared that the exorbitant rent of the frames was the object to which the real interests of the trade were sacrificed. Many of the employers themselves, implicated as they were in the system under the force of competition, were most earnest in their desire to get rid of it. One of them having expressed his regret at the practice, in which he is compelled to partake, of taking frame rents, calls it "a great bane and a curse to the stocking makers," describing the necessity it produces for a constant reduction of wages, and declaring that "he would glory in a law by which they should be abolished." He (Sir H. Halford) was in possession of a letter from one of the most eminent of the master manufacturers, Mr. Mitchell, who spoke of frame rents as a burden upon his mind, and had given him every encouragement to bring the subject before Parliament. One firm, indeed, there was, who had emancipated themselves from the practice—that of Preston and Co. of Leicester, whose foreman had recently called upon him, accompanied by one of the workmen, expressly to bear testimony to the shameful and disgusting nature of the system generally prevailing, and to the content and satisfaction felt by the workmen among whom it was repudiated. There was another suffering class, moreover, besides that of the framework knitters themselves—the ratepayers, on whom the burden fell, occasioned by their pauperism. He had spoken of the distress among them as mitigated since 1846; but there was painful evidence how far it was from being obviated in the statement he held in his hand of the accounts of the Leicester Union. By that statement it appeared that the number of persons relieved during the half year ending Michaelmas, 1849, was—

In-door, 874; out-relief, 9,259

In the half years following successively, it was—

In-door,	843;	out-relief,	9,276
„	548	„	7,529
„	689	„	6,115
„	1,009	„	8,554
„	1,040	„	4,805

And while the evils it was his object to abate were such as he had described, he looked in vain in the voluminous evidence before the House for anything like a plausible vindication of the practices with which, in his mind, they were inseparably connected. One witness, indeed, had spoken of what he called the "indirect profit" derived from the rent of the frames, as an inducement to continue them in employment in times when there was no demand for the goods produced; but the Commissioner very justly observed upon this, that many reasons might be adduced to show the unsoundness of the doctrine, in the interest of the labourer, and to demonstrate that any amount of present good its application in practice might bring to him, is far more than counterbalanced by the evils of which it is assuredly the germ. The position was indeed to the effect that there could be nothing to the profit of the employer, which was not to the advantage of the workman. A similar argument had been used in that House in 1830, when the Truck Act was under debate, as if by joining the profits of a retail trade to those derived from a manufacture, the advantage thereby derived to the employer of labour was to be reflected on the workman. But whatever this argument might be worth, as applied to the sale of provisions, it could have no force with respect to the indirect profit, as it was called, from frame rents and charges. In the one case there was a profit gained by the manufacturer instead of by some one else, separate from and added to his business; in the other, there was nothing but what was yielded by and had to be supplied from the proceeds of the manufacture itself. The indirect profit thus obtained, therefore, could mean nothing but a disproportionate share in the division of those proceeds, taken from wages and added to profits. The frame rent, exorbitant in amount, and continued under partial employment, was nothing else but a contrivance by which the employer protected himself against all risk under the fluctuations of trade, and secured, at the expense of the workman, an enormous and unfailing interest upon his capital invested in machinery. Compare the case of the framework knitter with that of workmen engaged in other branches of manufacture—in the cotton manufacture for instance. When a factory, with all its appliances of steam and machinery, worked short time, or did not work at all, the workmen suffered necessarily, *pro tanto*, in their wages; but they were not called on also to indemnify the manufacturer for his share of loss in the interest on his capital invested in machinery. This was peculiar to the workmen in the hosiery manufacture, and it was to this cause the extreme depression to which they had been subject was to be traced. The system was full of evil and injustice, and oppression; and what was the remedy he proposed? Not by any new principle of legislation or new law, but simply by carrying out an existing law in conformity with its original design, to its proper result; thereby to rescue the workmen from an oppressive monopoly, and to admit of their procuring the instruments of their labour whenever they could do so to the best advantage, at a fair price, settled by competition in the open market, instead of being compelled to pay a price entirely indefinite and arbitrary, having no limit but in the conscience of the masters, and attended with the grossest abuses. This object was universally desired. The petitions in favour of the Bill were signed by thousands upon thousands, in the midland counties alone. He believed there was not a single workman who did not earnestly desire it might pass. On the other hand, the petitions against it were few and scantily signed, and some of them on grounds entirely mistaken. One, for instance, from Staleybridge deprecated the Bill as interfering with the rent of houses belonging to employers and inhabited by workmen. This was not the case, the third clause of the Bill expressly preserving all the exceptions made in the 23rd sec. of the 1 & 2 *Will.*, among which was one relating to the rent of houses. These petitioners, in common with some others, apprehended, moreover, the loss of a power they exercised by arbitrary stoppage of wages, of levying fines upon their workmen. Now it was very questionable whether such power, so exercised, was legal at the present moment. This much was certain, that there was an Act in force, called the Arbitration Act, having for its object to afford a a tribunal of easy access, by which disputes between masters and workmen might be settled; but what was insisted upon was the absolute power of deducting from the workmen's wages to an indefinite extent, on any pretence set up by the master or his agent. He was very much misinformed, indeed, if this power had not been abused, especially under pretence of imperfect work, to a most grievous and oppressive extent. Then, with regard to gas or fire, or conveniences of this kind, supplied to the workman, what necessity was there that these should be paid for by arbitrary stoppages from wages for work performed, instead of being made an element in the calculation of wages in the first instance? There was also a petition from the hosiers of Nottingham and its neighbourhood, with twenty-nine signatures, which had been circulated also in the form of a paper of objections to the Bill, in company with a similar paper from Leicester. These objectors sought to take their stand, in the first instance, on general grounds, using the set phrases of political economy, as of supply and demand, invariably governing the rate of wages, and of the impossibility of raising wages by legislation. He might be permitted, on this occasion, to observe the proneness of the interested passions of the human heart, its avarice and love of power, to take refuge, often, perhaps unconsciously, behind the assertion of general maxims. No doubt the relation of the supply of labour to the demand for it, is that which governs the rate of wages as the proximate cause; but it was in evidence how powerfully this over-supply of labour is itself influenced by the exorbitance of frame rents and charges, giving an interest to the employers of labour to spread a given amount of work over the greatest possible number of machines, and among the greatest number of workmen. And in connexion with this doctrine of supply and demand, there is a point well worthy of observation. How is it, if this principle is so invariable in its operation, as it is represented to be, that while it acts in a direct ratio upon the wages of the workmen, by diminution of the share of each in proportion to their number, it acts inversely with respect to the machines, increasing the reward demanded by the iron workmen, if he might so call them, by reason of the very same superabundance under which those of flesh and blood are starved and depreciated? And when we are reminded of the futility of any attempt to raise wages by means of legislation, above their just level, the answer is obvious: we have no such object, but only to raise them up to that level by removal of causes under which they have been depressed below it. The parties interested, we are told, have been deluded into the expectation that their wages are to be raised to the gross nominal amount, including the deductions to which they have been subjected. No such delusion has been practised upon them, nor are they under any such; but when it is notorious that they are charged in some instances more than 100 per cent per annum, by way of interest on the value of the machines they are compelled to employ, it is fair to expect they will derive some advantage when the arbitrary power under which such charge is made, is taken away, and the charge itself brought under reasonable limits and within regulation of ordinary laws governing transactions of the kind. Some of the objections circulated against the measure were of a more particular kind. They were such, all of them, as he believed might admit of easy answer, with the opportunity of going into details. Something is urged of increased cost of manufacture, by a law which would occasion a different mode of carrying it on from that at present in use. The opinion of the Commissioner as to the effect of frame rents and charges and middlemen, is directly the reverse of this. He thinks they prevent the most economical mode of manufacture by throwing an undue share of the cost of production upon the workmen. The domestic manufacture is represented as in danger of being superseded under the effects of the Bill, and the workmen of being forced from their homes in the country villages, to be collected into factories in the large towns, while a pleasing picture is drawn of the stocking weaver at work in his cottage, in the midst of his family. Those who knew the real state of the manufacturing villages around Leicester, could judge of the accuracy of such representation;—those who knew the miserable dependence—the squalid poverty—the burden of pauperism that prevailed within them. The weaver using a frame of his own in his own house, might present a condition compatible with some degree of independence and of happiness; but such was never the case, for so sure as he should attempt any such possession, would he be debarred of all employment, as a subject from whom rent was not to be extracted. The real type of the stocking manufacture in the country villages was, in fact, the shop of the middleman, where young persons of both sexes were collected—under no regulation—subject to no discipline—beguiled for the sake of the rent of the frame on which they worked, to commit themselves for life to a miserable trade, in greater numbers than could be supported by it. Then we are told that the middlemen as created under this system were a desirable order of men, as affording means of promotion to the deserving and trustworthy. No doubt promotion was a good thing for those who obtained it, but it should not be enjoyed at the expense of others. He who from a slave was made a slavedriver, was promoted; but this was no argument in defence of slavery. He could not help protesting against the selfish and tyrannical spirit in which those objections had been dictated. The trouble and inconvenience to the employers was urged of keeping two separate sets of accounts—one of rent of frames, and another relating to wages;—as if these were considerations to set against the wellbeing of the workmen. The hardship was alleged, of having to pay the amount of wages, and then trust to the honour of the workman for such payments as might be due from him. There was no such trust required, any more than in any of the other common transactions of life where debt was incurred. Nothing more than a reciprocity was implied, nor was there anything like fairness or generosity in such a representation, as if honour had fled for ever from the bosoms of the poor workmen, to find an unsullied shrine in those of middlemen and master manufacturers. There was another class of objectors, however, to whom no direct interest in the matter could be imputed. Those who thought it an universal rule of political economy that there should never be any legislative interference in any matter relating to trade. He was certainly no contemner of political economy; he believed there was a natural order the most conducive to the wealth of nations, and which could not be interfered with without mischief. But it was a mistake to suppose that this natural order could not be interfered with otherwise than by legislation. It might be frustrated by vicious customs; and when this happened, it was the proper office of law to interfere to correct those customs. Hence the necessity of the Truck Act; and those who made this objection to the Bill now before the House, must, on the same ground, object to the Truck Act. But the Truck Act was specially vindicated by the highest authority on political economy :—

> "Whenever," said Adam Smith, "the Legislature attempts to regulate the differences between masters and workmen, its counsellors are the masters. When the regulation, therefore, is in favour of the workmen, it is always just and equitable; but it is sometimes otherwise when in favour of the master. Thus the law which obliges the masters in several different trades to pay in money and not in goods, is quite just and equitable. It imposes no real hardship on tha masters. It only obliges them to pay that real value in money which they pretended to pay, but did not always really pay in goods: the law is in favour of workmen."

Another great authority took the same view. In debate on the Truck Act in 1830, Mr. Huskisson said what was very applicable in the present case :—

> "There had been a rivalry among masters to see how far they could carry their system of extortion against the workmen. The best way to put an end to this, was to oblige them to pay their contracts in money. Why was money invented at all, but that it should be an invariable standard and measure of value in contracts between man and man; and to prevent the inconvenience of having that standard in things perishable in their nature and changeable in value? The underselling," he added, "of other manufacturers was not an underselling by means of the manufacturer's greater capital, skill, and industry; it was underselling at the expense of the earnings and comforts of the community."

Nor was the name of Sir Robert Peel wanting on the same side of the question; in the same debate he had said :—

> "A contract by which a man was paid in truck, (that is, otherwise than in money,) could not be enforced, for it was to be decided by one party and suffered by another, just as the interest and inclination of the first might decide; the market price being uncertain, and not like the value of money, the goodness of the coin, as well as the amount, being ascertainable. According to the doctrine of the hon. Member for Montrose, there should be no regulations of weights and measures, but every one allowed to weigh and measure as he pleased; his doctrine was that to undersell, and at any rate, and by any measure, was an advantage to the community."

Upon these grounds, and with a deep sense of his own responsibility, as connected with a measure nearly affecting the condition of large bodies of the labouring class, he urged the second reading of the Bill on the House.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. BIGGS said, that being himself a manufacturer and an employer to a considerable extent of that class of persons on whose behalf this Bill was ostensibly brought forward, and being consequently in possession of a considerable amount of information on the subject, which was likely to be useful to the House in forming its decision, he was anxious to say a few words at the present stage of the proposed measure. He considered the Bill of the hon. Member for South Leicestershire (Sir H. Halford) utterly useless, and in some of its provisions it would be even mischievous; at the same time, should it pass, he, as a manufacturer, would conform to it. The distress of the stocking-knitters, which he admitted, was by no means attributable to the cause stated by hon. Gentlemen. There were 50,000 stocking frames in Leicester, Nottingham, and the other districts where this manufacture was carried on, employed in making stockings; 40,000 of which were what were called narrow frames, by which only one stocking could be made at a time. These were the frames which were in use forty years ago; but since that time great improvements had been made in machinery, and a new description of frame had been introduced into the trade, by which twelve stockings could be made in the same time that with the old-fashioned frame it would take to make two; and one strong boy or girl, with one of the improved frames, could turn out as much work as six men with the old frames. In his own neighbourhood, at Leicester, a man might earn 12*s.* a week at the improved frames in the town, yet such was the attachment of the people in the country villages to the old machines, that the people preferred to work at home at them, although they could not earn more than 5*s.* or 6*s.* a week. Again, these wide frames made the more useful goods, and their produce was constantly gaining ground in the home, the foreign, and the colonial markets. It was this improvement in machinery that was one chief cause of the distress of the handloom weavers in the midland counties; and he was sorry to say that bad as was their condition, he believed there was a still darker future for them. The stocking trade was, in fact, in a transition state, and the narrow-frame workers stood in the same relation to the wide-frame workers that the handloom weavers formerly stood, when the power loom was first introduced. The growth of these wide machines was the principal cause of the sufferings of these poor people; another cause was foreign competition. When he (Mr. Biggs) was first in the trade, the English stocking makers had the whole of the American market in their own hands. They had lost that market, which had got into the hands of the Saxons, who were enabled, by the low rate of wages in their own country, to supply goods at a cheaper rate. This was another cause of the depression in the stocking trade; and another was the facility with which the trade was learned, and the consequent superabundance of labour. He might mention a still further cause, namely, the great detriment sustained by the trade by the operations of the corn laws, which it had not yet recovered. These were the causes that had depressed the manufacturer in the midland counties, and had pressed upon the market an excess of labour which could not be absorbed, and the consequence was, distress and suffering, which nothing but time could permanently relieve. The only way in which the hon. Baronet and his friends could be useful would be by uniting in some scheme to promote emigration amongst this class of labourers, and to assist the guardians in apprenticing their children to other trades. But it was asked by the advocates of this Bill, "Why do you, the manufacturers, deduct from the wages of these poor people rent for the frames they work at?" Stocking making, it must be recollected, as generally carried on in the midland counties, was a domestic manufacture. It had been so for a century and a half, and the workmen had always been used to work at their own homes, and it was necessary for the masters to provide them with frames, as they could not provide them for themselves. Rent was charged because there would otherwise be no security that the frame was not used by the workmen to supply goods to a rival master at al ower rate; and the reason that

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the rent had increased as wages decreased was, that when wages were low the machine was more worked, and the cost of keeping it in repair was three times as much as it used to be when wages were high. A frame which under the old system would work ten years, would be worked out three times within that period now. These were matters which could never be arranged by legislation, but must be left to the mutual relations of the parties themselves; and if they by Act of Parliament prevented rent being charged, the result would be that the workmen would be unable to get frames at all, and would speedily be reduced to a state of hopeless pauperism. In the towns of Leicester and Nottingham, where the men were employed at the wide frames, they were earning good wages. There had been an advance of wages too within the last fortnight, and he believed the masters would soon have to make up their minds to another. The employment of middlemen had also been complained of. Why, it would be as reasonable to object that the landowners let their estates to farmers, instead of farming them themselves and employing the labourers directly. The middleman was necessary, and instead of diminishing the earnings of the workman, was a means of increasing them. The middleman represented usually a number of workmen; he went to the town, got the work from the masters, carried it back into the country where the workmen lived, apportioned it amongst them, and thus saved their time; found winding-boys, oil, soap, lights, and standing room; superintended the work, and was responsible for it, and, of course, must be paid. If the middleman were not employed, the whole of these expenses must be borne by the individual workman, and would then cost him more in time, or in money, than he now pays, upon the principle of the division of labour. Under the system on which the trade was carried on, they could not do without the middleman, and to put him down would be to extinguish the trade. If this Bill should come into practical operation, it would entirely annihilate a trade employing 100,000 human beings, and involving a capital to the value of 3,500,000*l*. Such a trade as that ought not to be lightly interfered with. A great deal had been said as to the cupidity of the masters. The manufacturers felt as intensely the distresses of the population among whom they lived as any sentimental country Gentleman could do. It had been insinuated that they were the causes of any suffering which might exist; and one of the writers who had taken a great part in the discussion, said the stocking manufacturers were the enemies of God and the enemies of the human race, and that every stoppage on the earnings of the labourer was a robbery on him by the employer. The writer further said, that if the stocking manufacturers were what they were represented to be, they were not fit even for the West Indies, but only for the regions of damnation and despair. He had repeatedly remarked that there was a singular identity of sentiment in their political economy between the Tory country gentlemen, and the least informed of the population of the great towns—those who were commonly designated as the rabble. The articles which had appeared in the *Morning Post* and in the *Northern Star* might have been very readily transplanted from one paper to the other. There was a further sympathy between the Tory country gentlemen and the rabble of the towns, not only in field sports and antiquated amusements, but in many low vices. His conviction was, that this Bill, if passed, would be inoperative, or, if operative, that it would put a stop to a great portion of the trade, and injure rather than benefit those on whose behalf it was brought forward. With regard to the working classes themselves, they were led to suppose that the effect of the Bill would be to give them the same wages net which they now get in the gross, and that they would have nothing to pay for rent and wear and tear of frames. There could not be a greater fallacy, or one that would occasion more disappointment. These were his opinions as to the measure; but as a manufacturer, and therefore to some extent, as it might be supposed, interested in the matter, and as he was most desirous not to vote against either the real or the supposed interest of the workman, he should take no part in the division, but would leave the question in the hands of the House.

MR. PACKE said, he also knew something of the situation of the unfortunate persons whom this Bill was intended to relieve, and he would say that a more degrading system of tyranny and slavery than that to which they were exposed did not exist in Her Majesty's dominions. The simple object of the Bill was to give these people "a fair day's wages for a fair day's work," which they did not have at present; and without some such measure as this it would be impossible to raise them from their present degraded situation. He believed that, without the enactment of some such measure as that which the hon. Baronet (Sir H. Halford) had introduced, it would be impossible to relieve the workmen employed in the hosiery manufacture in the midland districts from the sufferings and privations which they at present endured. He (Mr. Packe) founded his demand for justice to these unfortunate men upon the report of the Commission of 1845; and he was also aware, from his own experience—being connected by relations of property with a large manufacturing village—of the great distress which prevailed among the class to which by the Bill under their consideration it was sought to give relief. With regard to the frame rents, he thought that his hon. Colleague (Sir H. Halford) had clearly shown that a charge of from 1*s.* 6*d.* to 2*s.* 6*d.* a week for a machine which did not originally cost more than 4*l.* or 5*l.*, was a perfect extortion. He (Mr. Packe) had offered to assist some of the workmen to buy their own frames, in order to save the rent, but their answer was, "You will ruin us; for a man who owns his own frame can get no employment." Was that not enough to make hon. Members take care that those men should have employment? The hon. Member for Newport (Mr. Biggs) had spoken of the farmers as being middlemen. But did the farmers let out their harrows and their ploughs, and at the end of the week, instead of paying their labourers their full wages, make a deduction in the name of rent for those implements? The frames were often the property of butchers, bakers, gentlemen's servants, women, and others, who bought them as investments and let them to the hosiers, who again made profits out of them by letting them to the poor men. Petitions had been presented to that House signed by from 20,000 to 30,000 of these unfortunate men, and, however the manufacturers might oppose the prayers of the petitioners, he hoped that, as a matter of justice, the House would accede to their requests. He would most cordially give his support to the Bill.

MR. STRUTT said, that as he represented a large manufacturing town, the interests of which would be a materially affected by this Bill, he wished to state his opinion upon the subject. He had resided during his whole life in the neighbourhood of the framework knitters; he had seen the patience with which at different times they had borne great sufferings and privations; he had for about twenty years represented large bodies of them in that House; and he felt the warmest sympathy towards them, and the strongest desire to promote their interests. It was not, however, enough that those persons were well worthy of our sympathy, and that large numbers of them had petitioned for this measure; but it was the duty of that House to inquire what would be the probable effects of this Bill—whether it was consistent with sound principles, and whether it was likely to promote the interests of the persons for whose advantage it was professedly proposed. He believed that a great fallacy had been very generally propagated in the manufacturing districts upon this subject. It was well known that under the present system wages were paid in gross, and a return was afterwards required from the framework knitters in the shape of rent for the frames intrusted to them for their use; but a very general notion had gone abroad that, supposing this Bill were passed, the framework knitters would not be called upon to pay a rent for the use of the frames they worked at, and therefore would be able to pocket the whole of their gross wages, and would consequently so far be gainers. He need not tell the House that there could not be a more gross and evident fallacy. The rate of wages must depend upon the question of supply and demand, and, whether the workmen were paid in one way or another, whether the masters kept the machines in their own hands, or let them to the workmen, and required them to pay a rent, the ultimate result would be the same; and it was preposterous to suppose that it was in the power of any Parliament, or of any Government, to raise wages by legislation. The object of this Bill, as he understood it, was to put an end to frame rents. [Sir H. HALFORD: No, to excessive and arbitrary rents.] Well, then, he supposed the hon. Baronet conceived that the measure would allow the continuance of frame rents, but would provide that such rents should in future be moderate and fair. Now, by what means this end was to be accomplished, the hon. Baronet had entirely omitted to show; and he (Mr. Strutt) was at a loss to understand how they were to be rendered moderate instead of oppressive, by simply enacting that they should not be deducted from wages. He (Mr. Strutt) also could say that he had been distinctly informed by a deputation from working men that, though this Bill did not actually abolish frame rents, no doubt its real object was to put an end to them. It might be said, "Why do these hosiers adopt a different system from that pursued in ordinary manufactures, where no rent is required from the workmen on account of the machinery?" Why, in the case of ordinary manufactures the machinery was contained in the factory, where the work was carried on under the eyes of the master, who superintended the use of such machinery. In the hosiery trade the frames were distributed over a space of many miles, being intrusted to workmen in their own houses; and if no rent were required, it would not only be in the power of the framework knitters to abstain for any period at their pleasure from using the frames at all, but, after obtaining frames from one manufacturer, they might take in work from other manufacturers who had not been at the expense of providing frames, and who would, therefore, be able to pay higher wages to the workmen. If this Bill should be successful, its effect would necessarily be to drive the trade from country places to the towns, where it could be carried on in factories directly under the eye of the masters—a result which would be most distasteful to the workpeople. He would not now enter into the great question of the comparative advantages and evils of the factory system; but he was well assured that those of the working classes by whom the Bill was supported, would be grievously disappointed if this should be the result of the measure, for they would be deprived of the power of carrying on their manufacture at home; they would be deprived of the power of working at their own hours, and of living and bringing up their families in the country away from large manufacturing towns; and they would be deprived of the opportunity of coupling with their manufacturing employment, garden labour, and other out-of-door exercise. It must not be supposed that he did not admit that, at certain periods, the framework knitters had been subjected to severe suffering. Undoubtedly that class had, at various periods of depression, suffered severe privations, and he had no doubt they had often been subjected to great oppression and injury on the part of manufacturers and middlemen, who had used unjustly and improperly the power placed in their hands. But this was not the consequence of any peculiar state of the law, as there was no difference between the law which applied to this and to any other trade. The framework knitters had the same power which other operatives possessed to make any agreement they pleased with the master manufacturers, and to enforce such agreements by law. He believed the depression to which the business of the framework knitters had been subjected had arisen from excessive competition in the trade, which was very easily learnt, and which could to a great extent be carried on by women and children. Although these privations and oppressions might be met, and had to a certain degree been met, by indirect legislation, tending to improve the position of the workpeople, he doubted whether such sufferings could be altogether remedied by any act of direct legislation; and he was satisfied the case could not be met by the present Bill, which he believed might be very easily evaded. He did not understand how it was supposed the present Bill could be effectual. If its object was to cause reasonable, instead of unreasonable, frame rents to be paid, the hon. Baronet had not attempted to show how the measure would have such an operation; and if, on the other hand, the intention of the Bill was to put an end to frame rents altogether, it did not appear to him that it would effect that object. Nothing would be more easy than for the master to comply with the provisions of the Bill by paying the wages in full; at the same time requiring the workman, on pain of dismissal from his employment, at once to repay the frame rents out of his wages. The hon. Baronet, however, was not content with putting an end to frame rents, but he proposed also by this Bill to put an end to various other rents. The first clause of the Bill prohibited any employer in any of the trades mentioned from deducting from the wages of persons in his employ any part of such wages for frames, houses, or machines. The Bill would, therefore, prevent any manufacturer who happened to be the owner of houses in which his workmen lived, from deducting the rent from their wages. It was not an uncommon thing, particularly in the small manufacturing towns, for the workmen to live in houses belonging to their employers, the occupancy of which they retained from year to year, and sometimes from generation to generation. The wages of such workmen were generally much more regular than those of workmen in the larger manufacturing towns. The rent was deducted from their wages, and the workman was thus enabled to give to his landlord, who was also his employer, the security of his wages for his rent, and so got upon low terms a better house than he would otherwise be likely to obtain. The present Bill, if effective, would put an end to this practice, and would deprive the workman of the advantage of being able to offer his wages as security for his rent. He (Mr. Strutt) might be asked, "If you admit that these workpeople have at various times suffered severe privations and oppressions, what remedy would you propose for this evil?" Now, he did not admit that all evils were capable of any direct legislative remedy. He thought, therefore, they ought not to deceive the working man; and, although he knew that the course he was taking might subject him to a certain degree of unpopularity, he felt it his duty to say that he did not think this Bill would provide any remedy for the evil complained of. He believed that their object should be to do all in their power by measures of indirect legislation to improve the condition of the persons whose case was under consideration, and thus, by placing them in a more independent position, to render them better able to make agreements with their employers on their own terms. He believed that during the seven years which had elapsed since the alteration of their commercial system, there had been far less of that depression of trade and want of employment which was the real cause of the sufferings of the framework knitters, than during any previous period of the same duration. It was, however, rather a curious fact that the hon. Gentlemen whose names appeared on the back of this Bill, had all, as he believed, opposed those measures. Although he doubted the practicability of removing the evils complained of by any act of direct legislation, yet he should be always anxious to give his best consideration to any measures which might be proposed with that object. He might then be asked why he did not consent to the second reading of this Bill, in the hope that it might be amended in Committee. That would no doubt be a very convenient course for him to adopt; but he did not think it would be a manly or straightforward course, for he had heard no proposal which would remove the objections he entertained to the measure, and he was not himself prepared to propose any Amendment which would be likely to put an end to the grievances complained of without producing still greater evils. He therefore felt it his duty to oppose the second reading of the Bill.

Mr. HUME said, he could not estimate the talents of hon. Gentlemen opposite at so low a rate as to suppose they believed what they said as to the effect of this Bill. They were the greatest enemies of the working men, and were doing mischief by these attempts to legislate—attempting to do that which no legislation could accomplish. He objected altogether to the harsh language used by hon. Gentlemen opposite towards the masters in regard to the working men. Persons who talked in such a tone were the greatest enemies to the working classes, whom they led astray by misquotations from Adam Smith, and taught to believe themselves tyrannically used, when, in fact, they received for their labour all that it was worth to those who employed it. The masters were necessarily subjected to those necessities which competition entailed upon all. They were compelled to get their work done at the lowest rate of wages, and to introduce new machinery to meet that competition by which they were opposed by the Saxon and other foreign manufacturers. Since 1824 the men had been free to meet and arrange with their masters as to the rate of wages, hours of labour, and other matters affecting them; but this Bill would put an end to that freedom of masters and men to make agreements between them for their mutual advantage. He fully admitted and regretted the suffering to which the working classes were at times subject; but it was not to be prevented or remedied by legislation of this nature. He should move that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question add the words "upon this day six months."

The Marquess of GRANBY said, it had not been his intention to trouble the House with any observations upon the measure under their consideration; but as he had been alluded to in the course of the debate, he should shortly state the reasons why his name appeared upon the back of the Bill. There were two questions to be considered in connexion with the subject which they were then engaged in discussing. The first of those questions was, whether the manufacturing labourers were suffering to the extent which had been represented? and the second was, whether the Bill which the hon. Baronet the Member for South Leicesshire (Sir H. Halford) had introduced, was of such a character as to afford, if it should be passed into law, a remedy for those sufferings? Now, not a single speaker upon either side of the House had denied the existence of a considerable amount of distress among the working manufacturers in the midland districts. That distress was, in his opinion, mainly to be attributed to the system of deducting frame rent from the wages which those workmen received. The hon. Member for Newport (Mr. Biggs) however—himself a manufacturer—while admitting the existence of suffering among that class, had attributed that suffering to a different cause. That hon. Member had stated that the distress which prevailed in the manufacturing districts was mainly owing to the transition state of the hosiery trade, and to the introduction of a new machine, with the use of which the workmen were not as yet sufficiently acquainted to enable them to earn any considerable amount of wages. But he (the Marquess of Granby) would ask why, if such was the state of things, no attempt was made to enable the workmen to adopt the new machinery, and to acquire a thorough acquaintance with its use? The object of the measure before the House was to enable the poor man to go to whomsoever he pleased in order to hire a frame, or to become the proprietor of one himself, from doing which he was precluded under the present system. Hon. Gentlemen upon the other side of the House had said that they would oppose the Bill, because they believed it would be in its results absolutely nugatory. Such was not his opinion; but even if it were so, it could, at all events, do no harm. This Bill, of which Gentlemen professing to be political economists ought to approve, gave the operative the power of going into the cheapest market and obtaining the frames, and the best, from whomsoever he chose. It was not true, as the hon. Member for Montrose (Mr. Hume) had stated, that the supporters of this Bill wished to delude the poor people whose interests it affected. What they wanted was, that these persons should obtain that which they thought would be a great benefit to them, or at least that the House of Commons should do all it could to remedy the evils of which they complained. Until the House did that, they might depend upon it that the people would not be content, but would become more and more impressed with the conviction that the refusal of the House to remove the evils in question proceeded, not from the want of ability to do it, but from an unwillingness to do them justice. The hon. Member for Newport had referred their distress to two causes: first, to the state of transition through which their trade had passed; and secondly, to the repeal of the corn laws. Now, if the people of Leicestershire and Nottinghamshire had been enjoying a large measure of prosperity, he would not have been surprised if the hon. Gentleman had referred to that as an example of what the repeal of the corn laws had done; but he confessed to have heard with astonishment the hon. Member referring to the abolition of the corn duties as the cause of distress and suffering among a large body of the people. The hon. Member also stated that a stange sympathy existed between the country Tory gentlemen and what he was pleased to term the rabble. Now, if such a sympathy did exist, he, for one, rejoiced in the fact. He rejoiced that the country Tory gentlemen sympathised with the people, not only in their amusements and recreations, but also in their distresses. He did not mean to say that the country Tory gentlemen were altogether exempt from the vices which the other classes of the community possessed; but if they did participate in their vices, he hoped they might be allowed to share also in their virtues.

SIR JOSHUA WALMSLEY said, that there was no man in that House whose opinions he regarded with more respect than those of his hon. Friend the Member for Montrose; and he believed that there was no man in that House, or out of it, more disposed than was his hon. Friend to promote the welfare of the producing classes. It was, therefore, with the greatest reluctance that he differed from him on this occasion. He certainly agreed with him in the remark he (Mr. Hume) had made, that it was exceedingly unfortunate that on this occasion any attacks should have been made on the country gentlemen as country gentlemen, and that a question which greatly interested a large class of people should have been irrelevantly and mischievously mixed up with the old controversy about town and country. He (Sir J. Walmsley) trusted, however, that the House would give to the real matter before it all the attention which its importance deserved, and that it would not allow its consideration to be diverted, on the one hand, by taunts such as these, or, on the other, by questions raised of interference with political theories, which had nothing whatever to do with the real merits of the subject in hand. The statements set forth by the hon. Baronet who introduced this measure, and the official proofs he had adduced in support of those statements, entitled them to consideration; and he would venture to observe that the provisions of this Bill intimately concerned the interests of a class who, of all others in this country, were the least able to maintain their own rights or to redress their own grievances. The necessity for some such measure was rendered evident to his mind from the fact that it was customary to deduct from the nominal wages of the framework knitters some 20 to 50 per cent under the heads of rent, standing room, giving out and taking in the work, and various other charges; so that the net wages of a skilled hand, labouring twelve to thirteen hours per day in a narrow frame, did not exceed 6*s.* to 7*s.* per week. Nor had these rates materially varied, except for the worse, for many years. His hon. Friend the Member for Newport (Mr. Biggs) had said, that the wages were at the rate of from 5*s.* to 6*s.* a week; but he believed he was better advised, when he said that the range was from 6*s.* to 7*s.* Now, it must be evident, that upon such a pittance it was scarcely possible for a man to support his wife and family; and the result but too often was, that in a season of even partial distress the unhappy workmen were thrown upon the parish. In 1846, the population of Leicester being about 50,000, there were in the union 812 persons, and receiving outdoor relief 10,895 persons; the expense to the parish being 27,000*l.* In 1847 this expense was increased to 37,614*l.*; the number of persons in the house then being 1,124, and the number of persons receiving outdoor relief being 15,985. Now, in a population of 50,000, here was one-third pauperised; and it was not surprising that some change should be sought for, since the same circumstances which caused such misery might again occur. What was it which this laborious set of men sought by this Bill? What was it which the Bill itself really proposed? Not any interference with rents or charges in connexion with the work, but simply that wages, whatever the rate of those wages might be, should be paid in full, and in the current coin of the realm; and that rents and charges should be no longer a custom, but a matter of mutual agreement between employers and employed. He appealed to the House, was that an unreasonable demand? Was it a demand which the House could fairly deny? It was due to those whom he had the honour to represent to state that some of his constituents objected to this Bill as unnecessary, if not actually mischievous, legislation; on the other hand, he had numerous representations from Leicester in its favour. He begged the House to remark that he had that day presented a petition signed by between 800 and 900 of the ratepayers of Leicester, with the addresses of each affixed, in which they stated that they resided among a class of artificers who were suffering from "heavy and unwarrantable stoppages in their wages under various pretexts;" that "the provisions of the existing Truck Act do not reach these grievances; that the system of stoppages acts injuriously on the interests of the persons employed, without—the House would observe that point—any corresponding benefit to the trade in general." He had presented a second petition to the same effect from twenty-seven to twenty-eight of the frame owners and manufacturers of Leicester; and the document was undoubtedly one of a very significant and important character. Large numbers of his constituents, in the representations which they had made to him, corroborated the statements of the hon. Baronet who had charge of the Bill. They traced their depressed condition to evasions of the spirit of the Truck Act. They contended that if this Bill became law, their circumstances would be greatly ameliorated and improved; and they further maintained that this benefit might be conferred upon them, under such a measure, without the violation of any principle, and without injustice to any of the other classes of the community. There was no desire on the part of these workmen to dictate the rate of wages. No supposition could be more unfounded. They knew as well as any Gentleman in that House that wages could not be regulated by Act of Parliament, but that they must inevitably be regulated by supply and demand. Nor did they wish in any way to interfere with the undoubted rights of property—such rights they held as sacred as any Members of that House—and in the maintenance of those rights they had, they believed, and believed truly, as deep an interest as the richest. But they also believed that they were suffering from exorbitant exactions, the results of a bad system; and they asked that the same system should come into use among them as was already in use in other similar trades. It was, at any rate, therefore not unreasonable that they should call upon the House fairly to consider their grievances. The question was one which could only be decided by facts; and in confirmation of what he had said, he would venture to read to the House a communication he had received from the framework knitters of Leicester. These people's story was to be told best in their own simple language. They said—

"Leicester, March 14, 1853.

"Sir—As we have heard that misrepresentations have been made in reference to the Bill now before the House of Commons, entitled 'A Bill to Secure the Payment of Wages without Stoppages,' we feel it a duty we owe to ourselves on behalf of the trade to put you (as our representative) in possession of our own views relative to the said Bill. First, as respects the question of the abolition of rent; we do not desire, as has been circulated, to use the machinery of any person, whether manufacturer or not, without the owner being enabled to secure to himself the same rights and advantages for the capital invested as is secured by law to the owners of all other descriptions of property; but we do object that excessive rents and numerous other deductions on account of work being given should be made from wages, irrespective of the quantity of material delivered out to be manufactured, the value of the machine, or in the absence of any mutual contract. The Legislature passed an Act in 1831 prohibiting the payment of wages in goods or otherwise, but they did not prevent a master selling goods on the same conditions as other people, providing they did not deduct, or bargan to deduct, such debt from the wages earned. With respect to the Bill before the House, we say there is nothing therein contained to prevent a manufacturer or other persons from letting for hire any frame; nor is there anything to prevent a workman from hiring a frame from whom he can agree with, on the same conditions as all other property is let, or hired, or leased. The word 'house,' inserted in line 4, clause 1, we think is clearly indicative of our true meaning of all the terms referred to in the Bill. No Gentleman can suppose for a moment that we desire to reside in houses, whether the property of hosiers or others, without paying rent; nor do we desire to force, directly or indirectly, any other principle in respect to frame property, or refuse to pay for any work which may actually be performed by any other person on their behalf; but we do object to power being invested in the hands of any person to deduct what they please under custom alone from the earnings of labour without any court of appeal accessible to them on account of heavy law expenses. Second, in respect of defective work, we think all questions which may arise under that term are already provided for under the Act 5 *Geo.* IV., cap. 96; and the frame property of proprietors is protected under the Act 6 & 7 *Vict.*, cap. 40. In conclusion, we beg to state most emphatically that we abjure all intention at present, or for the future, to interfere in any degree with the rights of property, holding that each person has a right to let, lease, or sell on the best terms he can: but we also hold that the same right belongs to ourselves in the disposal of our labour, and that no stoppage ought to be made from the earnings of workmen in respect of frames, house, fines or gas, or other charge which may be made; but that the question of wages, of debt, &c., should be separate from each other.—We are, Sir, your obedient servants,

"GEORGE BUCKBY,
"JOSEPH ELLIOTT,
"On behalf of the Committee of Framework Knitters.

"Sir J. Walmsley, M.P."

These frameworkers were an exceedingly numerous body, of the industrious character represented by the hon. Member for Newport, numbering in all about 100,000 persons; and, as that hon. Member had also explained to the House, they were scattered in various towns and villages chiefly in Nottinghamshire, Leicestershire, and Derbyshire; and the frames being in their own houses, the manufacture was of a domestic character, and overlookers or middlemen were employed. The persons who were now petitioning the House of Commons knew all these circumstances, and accepted all the consequences; but they insisted that the system adopted was an artificial and not a natural one, and that it was not fair to add to their misfortunes by imported evils. And it should be understood that the petitioners were not petitioning in the abstract—the remedy they sought had been tried. Some manufacturers had already, of their own accord, abandoned the system of deductions and charges; and they had found the experiment in every respect a fortunate one, not at all injurious to themselves, and greatly beneficial to their workmen. There could be no question that if such a general change were brought about, it would do much to foster and to harmonise those kindly feelings which should ever regulate the relations between the employers and employed. He spoke as an employer—probably of as large a number of men as the hon. Member for Newport—and he spoke earnestly, and after much experience. But these unhappy people in Leicestershire had waited long, and were losing hope, if not patience, and they appealed now to the sense of justice of that House, and through that House, and he hoped not in vain, to the good sense and fairness of the employing classes. He held in his hand a letter from a Leicester firm, which would show to the House what excellent grounds there were for auguring well of such a change as the Bill would effect; for it was to be observed that his correspondent had carried on his business operations for many years without any of those mischievous deductions of the prevalent system. The letter, which was signed "S. Brown," for "W. Preston and Company," said—

"Dear Sir—With reference to the Bill now before Parliament, of Sir H. Halford's, to secure the payment of wages without stoppages, I beg to say that the firm with which I am connected have carried on their business without 'charges' for seven years, and have found it beneficial and satisfactory to all parties concerned."

What followed was worthy of the House's attention; since it answered the supposition that these framework knitters were attacking the rights of property; the fact being that they only required that there should be two persons to the bargain, and that an old but a bad custom, by which they believed (and as he believed also) their interests suffered, should be got rid of. Mr. Brown said—

"But we do not desire, nor does the Bill, in our opinion, intend, to interfere with frame property in any way whatever; but simply that rent shall not be deducted from wages, but that wages shall be paid in full in the current coin of the realm."

Perhaps the House might think this argument as to the benefit derivable from a voluntary change of system was somewhat beside the question immediately before the House; but he thought it was not waste of time to show that such a change was practicable, and that where it had been tried it had been successful. In defending this Bill, he most emphatically repudiated the idea that he was interfering with free trade, or that he was assailing any established principle of political economy. He was only asking the House to do in this case what it had done with the best results in other cases. He should now, and on every other occasion, give his hearty support to any and every measure that would enforce and carry out to the utmost the spirit of the Truck Act—by which he believed the working classes had been greatly benefited, and without which he was sure their interests would have continuously and increasingly suffered. One word as to the manufacturers themselves. He was sorry that remarks had fallen which were unkind and offensive (and untrue, too) to the manufacturers. He knew them well. He was not one himself, but he had associated and mixed with them; and he was well assured that they were a class who, as a class, spared no pains to secure the welfare and the social happiness of the artisans and those around them. He was also persuaded that, if it could be shown to them that this Bill was practical, or could be so altered in Committee as to meet their objections, leaving its benefits, and depriving it of what they regarded as its powers of mischief, the House would hear no more of their opposition, which was offered on conscientious grounds, and not with an exclusive reference to their own interests. They were a class who had often proved that they would not shrink from raising the artisan, even at the risk of some cost to themselves. On these grounds he would support the Bill; and he hoped that the principle being adopted, the House would go into a fair discussion of the details in Committee.

MR. TATTON EGERTON said, that there were many other trades besides that of the framework knitters which would be affected by the proposed Bill. It would affect the silk trade, and affect it most prejudicially, as he believed. In the small villages around Manchester many persons were employed in the making of silk goods; and when the work was badly done, deductions were made from the wages of those people. But if that Bill were passed, the silk manufacturers would no doubt renounce a practice under which they would be liable to be brought at any moment before a County Court Judge; they would cease to give employment to people at their own homes, and thus a large number of workmen would very severely suffer. Again, it appeared that the silk manufacturers often paid for the gas used by operatives working at looms, and afterwards deducted from their wages the amount of that payment; but under the Bill then before the House that amount could no longer be recovered. The measure would also have a very injurious effect on persons employed in the cotton trade. Many of the cotton manufacturers built houses for the use of their workmen, and deducted from their wages the amount of their rent. But, according to the Bill, that mode of receiving the rent of those houses would be illegal. To meet the particular case, the hon. Member for South Leicestershire (Sir H. Halford) ought to bring in the Bill as a local Bill, but it ought not to be applied to Lancashire, Yorkshire, and the whole country. He could not help thinking that the Bill, as it stood, would have a very prejudicial effect on the condition of many of the workmen themselves. He believed that in the silk trade and the cotton trade, in particular, it would injure the workmen to an extent of which hon. Members generally seemed to have no conception. He hoped the right hon. President of the Board of Trade would see whether that Board sanctioned such Bills as this, which interfered between master and man. He trusted that the time was not coming when the House of Commons would attempt to regulate the contracts between the manufacturers of this country and the men whom they employed.

MR. CARDWELL said, he rose with great pleasure, in answer to the appeal of the hon. Member for North Cheshire (Mr. T. Egerton). So far from acquiescing in the remarks that had been made as to the want of sympathy which existed between hon. Gentlemen opposite and the working classes, he thought it was satisfactory to observe that, when any subject affecting the interest of those classes was brought forward, it was not only sure to obtain the full and earnest consideration of that House, but there was a tendency on the part of many hon. Gentlemen to deal with it in a spirit of kindness and humanity, and from a feeling that it was the duty of the House, if possible, to remove all the evils of which the labouring classes complained. At the same time he could not help saying that the tendency was a dangerous one, and he trusted they would not yield to it on the present occasion, because they were dealing with a subject in which, if they made a mistake, the recoil would be on the very persons whose condition they desired to ameliorate. If he believed that the complaints made by the framework knitters of Leicestershire and Nottinghamshire would be met by the adoption of this Bill, he should certainly advise the House to adopt it, subject to such limitations and amendments as might be agreed to in Committee; but he believed that the direct opposite would be the effect of the measure, and consequently he should give his vote for the Amendment proposed by the hon. Member for Montrose (Mr. Hume). In the great manufacturing staples of this country, we enjoyed a vast superiority over all other countries in the world, by reason of our great mechanical power, and our valuable natural advantages; but in those branches of trade with which this Bill was designed to interfere, we were obliged to complete in the open markets of America as well as in those of various Continental countries where labour was cheaper, and we consequently could not afford to pass measures which would tend to fetter and restrict the home manufacturer, and to benefit his foreign rival. How was this trade carried on in Leicestershire and Nottinghamshire? It was a trade in which the wages of the workpeople were very low, because it was one which did not require skilled labour. It was a trade which every child could enter. There was, of course, therefore, great competition, and the remuneration was small. In the districts in which the trade was carried on, the people employed in it lived for the most part in villages, some miles distant from the town where the master manufacturers resided. They were not able to purchase frames for themselves, but were compelled to hire them, and, in fact, the contract for hiring the frames was at the foundation of the whole occupation. It had been said that this was within the Truck Act; but the Court of Queen's Bench had decided otherwise—the Judges holding that part of the wages was earned by the frame and part by the operative, and that it was necessary, therefore, that a deduction should be made for that portion of the work which was carried on by the machine. Why was this necessary? Because, unless the master manufacturer took security, by making the agreement in that form, and deducting part of the wages, that his frame was used for his own benefit, it might be employed by the workman in the service of somebody else at lower prices, and so used to the detriment of its owner. If they prevented the master manufacturer from taking that security, what would be the result? Why, they would simply compel him to refuse letting his frames to the workpeople who lived at a distance from the town where he himself resided, and who would thereby be virtually and practically deprived of the means of earning a livelihood. Again, objections had been made to the middleman. What was his position? The workpeople residing at a distance of some miles from the town in which the master manufacturer carried on his business, had, in the first place, to fetch their work from the warehouse of their employer, and they had also to take it back again when finished. Now, the question for consideration was, were they to make these long and frequent journeys themselves, or were they to engage some one person to make them for the benefit of all, and so save a great deal of useless trouble and expense? Hitherto they had found it cheaper, as well as more convenient, to employ one person to perform the journeys for them, than to undertake the journey themselves. Well, then, it being necessary, for the employment of these people at all, that they should hire frames, the House was asked to prevent them hiring frames from the persons who could let them cheapest; and it being equally necessary, in order to save both time and money, that a person should be employed to go between the master manufacturer and his workpeople, it was proposed to prevent the employment of the person who could perform the journeys cheapest. And this, it was said, the House of Commons was going to do for the benefit of the operative classes. Mr. Muggeridge, the Commissioner appointed to investigate this subject, had stated in his Report, that so far from the master manufacturers having a monopoly of frame hiring, a large number of machines were in the hands of butchers, bakers, publicans, servants, and all kinds of persons, who made a business of letting them to the workpeople. If that were so, what became of the arguments based upon an assumed compulsory arrangement between the employers and the employed? On the whole, he believed that this Bill, if passed into a law, would practically operate as a prohibition of the labour of those workmen who lived in country villages, and that the House was asked to give an undue preference to the operatives who resided in the towns, and who, being under the supervision of the master manufacturer himself, had naturally an interest in desiring that the Bill should pass, because it would rid them of the competition to which they were now exposed by their country brethren. He admitted that the motives which had induced the hon. Baronet (Sir H. Halford) to bring forward this Bill, were such as did him credit; but as the effect of the measure, if passed, would be mischievous to the persons whom it was intended to serve, he thought that House ought to observe great caution in dealing with so delicate a question, especially when it was sought, under cover of sincere but misguided philanthropy, to strike a blow at a trade by which large numbers of poor people earned a humble subsistence. The House was asked to introduce into one trade a principle which it had never yet been proposed to apply to all trades. No one could foresee the amount of mischief which might ensue; and, believing it was their duty not to do harm where they had not an opportunity of doing good, he earnestly hoped the House would reject the Bill.

MR. NEWDEGATE said, the object of the Bill was, to make the principle of the Truck Act applicable to the case then under their consideration. Now, the principle of the Truck Act was, that every labourer should be paid in full and in the current coin of the realm; and the framework knitters asked that they should be entitled to the full benefit of that Act, and that they should be allowed to receive the gross amount of their wages. He would endeavour to give the House an idea of the extent of the evil of which those poor people complained. He held in his hand a statement of the objections which had been made to the Bill by the manufacturers of Nottingham. It was therein assumed that each frame must be hired at a percentage on the work done by means of it. That was a gratuitous assumption, for the rent might be paid by the day or week; but it afforded evidence of the manufacturers' estimate of the profits on the frames in the shape of rent: from that statement it appeared that a framework knitter earning 10*s.* per week, or 26*l.* a year, paid 11 per cent, or 2*l.* 17*s.* 2½*d.* a year, for the use of the frame. The value of the frame might be taken at 4*l.*; so that the workman paid for its use, each year, 75 per cent on its value; or, in other words, he paid in fifteen months the whole amount of that value. The total number of the frames might be taken at 40,000, and their value might be taken at 160,000*l.*; and for the use of them there was annually paid by the workmen a sum of 120,000*l.* Such was the estimate of the enormous profits which the objectors to this Bill sought to defend. In another portion of the statement put forward by the manufacturers of Nottingham, it was said that "all legislative attempts to raise the standard of wages among the working classes gave rise to expectations which were invariably disappointed, and were inconsistent with the rights of property and the true interests of the labourers themselves." Now that was a direct reflection on the course taken by that House in adopting the Ten Hours Act. It also assumed a principle to which he, for one, could never assent—the principle that one man had a right of property in the labour of another. A right not by virtue of agreement or direct contract between the employer and employed, but by a vicious and oppressive combination between the manufacturers and their middlemen, the owners of the frames, by means of which these exorbitant profits were extorted from the operatives. He said that if that were to be held as one of the rights of property, the rights of property would be very soon endangered. It was because those parties were endeavouring to carry out a system based on those erroneous and dangerous assumptions and worse practices that he hoped the House would give its sanction to the second reading of the Bill. The abuses by which the cotton framework knitters were oppressed did not prevail to the same extent in the silk trade, and therefore the parties immediately interested in the silk trade need not apprehend any serious consequences to themselves from the passing of the measure. But even if the objection urged by the hon. Gentleman the Member for North Cheshire (Mr. T. Egerton) upon that point were a valid one, there was no reason why any trade in which no particular oppression had been proved to have existed, should not be exempted by the House, when the Bill was in Committee, from its operation. Hon. Gentlemen opposite said that by adopting the measure, the principles of free trade would be violated. Now, he (Mr. Newdegate) had hoped that the time had come when the principles of practical good sense, irrespectively of all theories, would be applied to questions of that kind. He warned hon. Gentlemen opposite that by appealing in all cases, in defiance of justice and good feeling, to their abstract doctrine, they would bring that doctrine into contempt, and would make it a millstone round their own necks. He confessed that having some lingering affection for the protective system, he could hardly refrain from wishing that they should adopt a course so fatal to the views which they themselves entertained. The right hon. Gentleman opposite (Mr. Cardwell) seemed to suppose that by adopting that measure they would prevent freedom of action on the part of the workmen in entering into contracts with their employers. But that was an error which could only be attributed to the right hon. Gentleman's ignorance of the facts of the case. The manufacturers at present would not allow the workmen to buy their own frames, for they would not employ them, if they did. A system of favouritism prevailed in the trade, and the workmen who did not use the frame of some particular individual received no employment at all. In many instances the manufacturers participated in the enormous profits from frame rents; in other instances they paid their middlemen by that means; in all cases they deducted the frame rent from the inadequate wages of the workmen. In conclusion, he had to express his belief that the House by giving its sanction to the measure now before it, would not only be doing justice, but it would also be rendering a great service to a large body of the poorest and most helpless operatives of this country.

MR. GARDNER said, he very much doubted whether this was a case in which the interference of the Legislature was justifiable. He would admit that there were a great many abuses and hardships under the present system, but he very much doubted whether they would be practically abated by the destruction of the existing machinery, so long as the supply of labour was in such excess of the demand. The hon. Baronet (Sir H. Halford) would better employ his talents in endeavouring to persuade these operatives to betake themselves to more profitable occupations, or, at all events, not to bring up their children to such occupations; and, in the intervals of leisure between these annual empiricisms, he might well consider whether a tendency to contract the market for our manufactures was consistent with the interests of a community which had suffered, perhaps, more than any other from the baneful effects of protection. The general feeling of the employers of Leicester with respect to this Bill was not so much one of alarm as of indifference—or, if he might say so without appearing rude,—contempt. For this was not the first time that the hon. Baronet had "tried his 'prentice hand" upon the employers of labour; and, as the former Bill was found to be inoperative, so their feeling was, that though this Bill might cause the parties trouble, it also would be inoperative, from the impossibility of complying with its conditions, and at the same time profitably carrying on the trade. A very numerous portion of his (Mr. Gardner's) constituents, however, were most decidedly in favour of the Bill; and their poverty and distress entitled them to the most indulgent consideration on the part of the House, and particularly of their representatives. All that he had heard during the course of debate had only confirmed his own suspicion that the Bill was founded upon a false principle, and would tend to exaggerate the mischiefs it was designed to cure. He must, with very great reluctance to go counter to the wishes of so numerous a portion of his constituents, oppose the second reading of it.

LORD JOHN MANNERS said, he would implore the House to give this Bill a second reading. No man could have listened to the debate without making three observations:—First, that those who felt themselves defeated in argument had attempted to resort to something like vituperation; secondly, that the arguments of right hon. Gentlemen opposite as to the probable effect of this measure were precisely those which were urged against interference with labour in coal mines and factories—a diminution of wages and so forth—forebodings which hon. Gentlemen from Lancashire and the West Riding well knew had not been realised; and, thirdly, that if the House on principle rejected this Bill, they would assert the impropriety of the principle upon which all anti-truck legislation had been founded. The hon. Member for Newport (Mr. Biggs) had attributed the distress of these operatives to other causes than the withholding of a great portion of their wages; but surely this must be a most grievous aggravation of their distress. With what justice could the House refuse a second reading to a Bill like this, which was supported by the unanimous prayer of the whole body of the working people whom it affected, by a number of master manufacturers of Leicester (though opposed by a number at Nottingham), by every county Member connected with Leicester, by one of the Members representing the manufacturing industry of Leicester itself, and which its opponents asked the House to reject on prophecies over and over again refuted? The hon. Member (Mr. Biggs) himself no doubt connected with the working people of this country, raised to wealth and power by the labour, the industry, and the sweat of a great portion of those working people, did not think it beneath him to characterise the 20,000 or 30,000 working men of the midland counties, who asked the House to sanction this Bill, as the rabble of the great towns. Whatever might be the hon. Member's opinion of "the Tory country gentlemen," he (Lord J. Manners) hoped there was not a Tory gentleman representing a county constituency who would not blush so to characterise such a body of his fellow countrymen. So far from feeling the taunt thrown out, that the Tory country gentlemen of England sympathised with "the rabble of the great towns," he should be ashamed of himself if he did not profess, as he had done on all fitting occasions, that he had endeavoured to show, not by words only, but by deeds, that he did sympathise with this "rabble," be they collected in our great hives of industry or scattered through the rural villages. He was not able to say what had been the hon. Member's opportunities of knowing what were the "low vices" of "the rabble of our great towns." But if his language that day tended to knit more closely the bonds of sympathy between the Tory country gentlemen and "the rabble of the great towns," he, for one, should do what he was not now disposed to do—tender his hearty thanks to the hon. Member for that most unwise and illiberal expression.

Mr. WHALLEY begged to say, in reference to the noble Lord's statement that if Members voted against this Bill they were opposing themselves to the whole system of truck legislation, that experience of the utter failure of that legislation would induce him to refuse to go on in that suicidal track. The masters could deal with the workmen in these matters more advantageously than strangers, having in their hands that security, the absence of which in the hands of others would lead to a higher charge to protect them against loss. It was chiefly on account of the folly of an attempt, in defiance of experience, to carry further the interference between masters and workmen, that he should vote against the second reading of this Bill.

Mr. CHEETHAM said, that you might find distress existing in any employment; the difficulty was how to relieve it; and that House was about the last body to attempt to regulate the details of a business. The particular trade was one which had made slower progress in improvement than most others; but the hosiery trade was now in prosperity. The Bill proposed to prohibit an employer deducting any part of wages for rent. Now, throughout South Lancashire, the West Riding of Yorkshire, and a great part of North Cheshire, the cottages in which the workmen lived were built generally with the mill, and the rent was deducted when the wages were paid. That, it was proposed by the Bill not to permit; and it seemed that the employer would not be able to sue for the rent. There was not an employer of labour in the cotton, woollen, silk, or iron trades, who would not be disturbed by the measure, if it passed.

Colonel BLAIR said, he did not entirely approve of the Bill, but, thinking it a step in the right direction, he would vote with the hon. Baronet (Sir H. Halford).

Mr. MUNTZ said, he believed this was one of those questions which were never understood in that House, because the number of practical men in it was very few. No man had done more to benefit the working classes, in every way that he could devise, than he had. [*Laughter.*] That laugh would not have any effect upon him, because he felt that he had sacrificed a great deal for their benefit, and, whenever it had been a question between them and him, he had always given the turn in favour of the workman. But his opinion was, that the workmen would be disappointed if the Bill passed, because it was quite impossible it could realise the Mover's kind intentions. But, supposing it thrown out, there would be just as much disappointment. It became, then, a question whether the wisest way would not be to send it to a Select Committee for consideration. It was his opinion that the question could not be satisfactorily discussed in the whole House; and if the Bill were pressed to a division, he should therefore be obliged to vote against it.

Mr. HEYWORTH said, that, if it were right to prevent the owners of stocking frames from receiving rent for their use, they ought also to take the same course with respect to the proprietors of land—that great machine by which the different articles of agricultural manufacture were produced. Indeed, there were far more stringent reasons for the confiscation of the soil than of machinery, to which the proposition would amount. In truth, it was impossible to meddle either with frame-rent or with wages without giving rise to incalculable mischiefs; but they might in an indirect way benefit the framework knitters—namely, by passing such measures as would tend to alleviate the condition of the working classes generally. They must go on in the glorious course in which they had already made such progress; they must make trade free, and remit indirect taxation. That this would prove the most effectual way of attaining the end sought by the Bill, their past experience would show. When he had visited the framework knitters of Derby, five years ago, he found their position the most deplorable that could be conceived; but their present condition was infinitely better.

Isolated measures of this kind were worse than useless, for it was impossible to deal with effects the causes of which were unknown or beyond control.

SIR HENRY HALFORD said, he could assure the House that a great many manufacturers were favourable to the Bill, and desired to see it pass, in order that it might put an end to a system of which they were thoroughly ashamed. With regard to the proposition of the hon. Member for Birmingham (Mr. Muntz) for the suggestion of referring the Bill to a Select Committee, he (Sir H. Halford) should be perfectly ready to agree to it, if the House would consent to the second reading.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 125; Noes 186: Majority 61.

Words *added;* Main Question as amended, put, and *agreed to.*

Second Reading *put off* for six months.

COMBINATION OF WORKMEN BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

The SOLICITOR GENERAL begged to state the reasons why he should oppose the measure. When the Bill was last before the House, its object was stated to be only to declare what was the law; and if that had really been the case, he should not have felt much objection to it. But he found that it had been so worded as to lead to an entirely different result, for it would completely change the existing law. By the 6th of *Geo.* IV., chap. 129, as interpreted and declared by the late decision of the Court of Queen's Bench, it was illegal for persons not in employment to combine for the purpose of raising wages; but this Bill, if passed, would legalise all combinations of persons, whether employed or not, and would repeal that important Act. It ought also to be noticed, that the word "combination" was employed in the Bill. Now, that was a technical word, and had a strict legal definition; and therefore, if it passed and legalised "combinations" *eo nomine,* it would give the sanction of law to every species of illegal society. For these reasons, he begged to move that the Bill be read that day six months.

MR. G. M. BUTT seconded the Amendment. He said that the Bill had been introduced to reverse the decision to which the hon. and learned Solicitor General had alluded. A mistake respecting that decision certainly prevailed among the promoters of the Bill, and among some hon. Members. It was supposed that that decision rendered it illegal for workmen, while in employment, to meet to consider and agree among themselves what would be a fair rate of wages for them to demand. But in the case alluded to the parties were indicted, not for meeting and agreeing while in employment to settle a fair rate of wages, but the indictment was preferred against certain workmen for taking measures to induce others, who were in the employment of manufacturers, to quit their employ. It was an indictment for conspiracy, an act illegal at common law. The hon. and learned Gentleman the Solicitor General would know that the case of "The Queen *v.* Griffin" gave rise to considerable discussion in the Queen's Bench; but it was plain, from the observations made by Mr. Justice Erle, which were those which had been misunderstood, that the learned Judge did not allude to the case before him when he said that it was illegal for men not in actual employ to meet together to determine the rate of wages. The learned Judge clearly expressed the law when he stated that it was illegal for workmen to combine to induce others in the actual employment of manufacturers to quit their employment for the purpose of compelling their employers to raise the rate of wages. That was the offence on which the indictment in the case in question was founded, and it was an offence at common law. It was illegal by the Act of the 6th *Geo.* IV., c. 129, which Act was confirmed by the decision of the Court of Queen's Bench. It was not the case that any doubts existed as to the state of the law on this question; if there were any, the hon. Gentleman (Mr. Drummond) would have a good excuse for coming to the House with this Bill. It was said that the Lord Chancellor, when Baron Rolfe, had put an interpretation upon the 3rd clause differing from that of Mr. Justice Erle, for he had said that workmen might meet to consult as to their wages, whether they were out of employment or not; but Baron Rolfe had not decided that if they so met and consulted as to induce other workmen to leave their master's employment, and thus to compel him to raise their wages, it would not be an illegal combination. He considered, therefore, that it would be most unwise to pass a Bill declaring that there were doubts as to the meaning of the Act when in point of fact there were none.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. DRUMMOND said, he thought, if the hon. and learned Gentleman who had just spoken had been in the House when the Bill was last discussed, it would have been impossible for him to maintain that there was no doubt upon the state of the law; seeing that the hon. and learned Attorney General and the hon. and learned Solicitor General entertained very contradictory opinions upon it. He (Mr. Drummond) had not brought in the Bill because the state of the law had given rise to considerable discussions on the bench. He did not care a button about that. He had brought it in because half-a-dozen people had been put in prison, and had had to pay 3,000*l.*, while the law officers were settling the law. It was plain that the law officers of the Crown differed in opinion both as to the law and the Bill which he had brought in. The hon. and learned Gentleman the Solicitor General said that the Bill was not what he (Mr. Drummond) had represented it to be; but, in point of fact, it was neither more nor less than a declaratory Bill to settle the question. He was quite willing to accept any terms which the hon. and learned Attorney General, or any other general, might desire to substitute.

VISCOUNT PALMERSTON said, he also objected to the Bill. His hon. and learned Friend the Attorney General had inadvertently omitted, when it was discussed on the former occasion, to move that the Bill be read a second time that day six months; but it was quite clear then that the sense of the House was in complete negation of the Bill. His great objection to the Bill of the hon. Member for West Surrey was, that it was not a declaratory but a repealing Bill. It would tend substantially to repeal those provisions of the 3rd section of the 6th *Geo.* IV., c. 129, which made the attempts of workmen in or out of employment to raise the rate of wages, by inducing, either with threats or otherwise, other men in employment to abstain from work, a conspiracy, and indictable as an offence at common law. As the law at present stood, it was intended to prevent workmen who were desirous of raising the rate of wages from combining to do so, and, either by threats or intimidation, or by other means which could not well be described, to induce or to force other men who were employed from going to their work, or to prevent unemployed persons from receiving employment, or to compel persons to subscribe to societies for the purpose. They all knew it often happened that men who were able to abstain from work combined to do so, while there was another set of men in great distress, and who were willing to work even at a lower rate of wages, who were prevented by the combination of the former from taking employment and finding the means of supporting themselves and their families. This the Bill of the hon. Gentleman would legalise, and he (Viscount Palmerston) felt himself obliged, therefore, to oppose it.

MR. M. CHAMBERS said, he could not admit of the House proceeding to a division without expressing his astonishment at the course which was now being taken. When the Bill was first introduced it was opposed upon the ground that it was absolutely unnecessary — that the law of the country enabled persons to do exactly what was provided for by this Bill. But they were now told that, instead of its being a Bill which declared the law to be what everybody knew it to be, it was a Bill which was introducing a total alteration in the law; an inconsistency so striking that he could not avoid noticing it. His hon. and learned Friend (Mr. G. M. Butt) had urged the same arguments against the Bill as were used by the hon. and learned Attorney General on a former occasion—namely, that the Bill was unnecessary. The noble Lord (Viscount Palmerston), however, had said that in point of fact it would, if passed, be a repealing statute. He (Mr. Chambers) begged to submit that it would not be a repealing statute, but that, in point of fact, the recital in the Bill was true—that doubts had arisen as to the construction of the 6th *Geo.* IV., c. 129. Those doubts arose in this way:—Mr. Baron Rolfe (the present Lord Chancellor), on the trial of some workmen in the iron trade at Liverpool, in 1847, for conspiring to injure their masters, laid down a rule for the guidance of the workmen, and which appeared to be a very sensible rule. Baron Rolfe said his opinion was, that if the workmen in assembling together had no other object than to persuade one another that it was their interest not to work except for certain wages, or not to work under certain wages, or unless certain regulations were complied with, that was not an illegal object, provided it were sought in a peaceable manner; but then there was another trial of some tinplate workers, which took place at Stafford in 1851 before Mr. Justice Erle, who laid down another and a conflicting proposition. Mr. Justice Erle said—

> "The question was, whether persons combining together to obstruct and molest a given manufacturer, in order to force him to alter his mode of carrying on his business, and in pursuance of that conspiracy persuading free men to leave him, that being an overt act, is an indictable offence. I have an opinion upon the subject, and I will tell the jury that in my opinion that constitutes an indictable offence."

The question was which of these opinions was right and which was wrong? That was the very case which called for the intervention of the House. The workmen required to be protected against these conflicting opinions of the Judges. If lawyers disagreed, the House ought to step in and declare what was the law upon the subject. This conflict of opinion on the part of the Judges led to this—that owing to the present doubtful state of the law men might be vexed and teased and put to an enormous expense by prosecutions, although they might have been acting entirely within the law. The object of the Bill, therefore, was to declare plainly what was the law upon this subject. It was but just that the workmen should have the privileges and rights which the Bill would confer upon them anew, if the House so pleased. He, however, contended that it was a declaratory Bill only; but, whether declaratory or not, the question was, did the workmen ask for what was fair and proper? If so, then the House ought to pass the Bill. After reciting the doubtful state of the law, the Bill proceeded to enact—

> "That masters, employers, workmen, or other persons who shall enter into any combination to advance or to lower or to fix the rate of their wages, or to lessen or alter the hours or duration of the time of their working, or to peaceably persuade or induce others to abstain from work in order to obtain the rates of wages or the altered hours of labour so fixed or agreed upon, shall not be deemed or taken to be guilty of 'molestation' or 'obstruction' within the meaning of the said Act [that is, the Act of the 6th of *Geo.* IV., c. 129], and shall not, therefore, be subject or liable to any indictment or prosecution for conspiracy."

This was simply an enactment with reference to the construction to be put upon the Combination of Workmen's Bill. It did not abolish the common law, or in any way affect the liability every person was under with regard to the common law. In all conspiracies having a tendency to damage large traders or manufacturers, resort might still be had to the common law right of an indictment for a conspiracy. This Bill did not affect that right; it simply said that workmen might meet together, whether in or out of employ, or whether in the employ of one particular master or of different masters, and they might talk over these subjects. They might say to one another, "Trade is very flourishing; the master manufacturers are obtaining large profits while we are receiving very small wages, and we are worked beyond our strength; let us see whether some new arrangement cannot be made." Was there any impropriety in this? He thought not. Then they might go on and carry into operation their own thoughts and arrangements. They might, after full discussion among themselves, go and talk to other workmen, and tell them what they had determined upon. They might prudently say to them that, according to the state of trade, it was but fair and just that they, as workmen, should receive higher wages. Looking into the Bill, he did not see that there was anything more than allowing the workmen to do that. But, in consequence of the construction put upon the existing Act with reference to what was called "persuasion," it was said that the workmen had brought themselves within the Combination Act. The only object the workmen had was to have the privilege of exercising their own judgment of discussing with fairness their own situation; and, after having done so, then, whether in employ or out of employ, they asked for the further privilege of speaking to other persons upon the subject. The great object was to avoid the possibility of this Bill enabling them to use violence or threats, or to conduct themselves in any way inconsistent with proper feeling and justice towards others.

MR. T. DUNCOMBE said, he must be allowed to say, that the promoters of the Bill had great reason to complain of the course which had been pursued on this occasion. Until the Bill had reached its present stage, no objection was made to it, and then, just when it was about to pass, and when nobody expected an opposition, up got the hon. and learned Solicitor General, and opposed it. If there was a doubt in the mind of any man as to the state of the law—and no one could deny that the law was ambiguous on the subject—it was proper that that doubt should be removed.

The House was much indebted to the hon. and learned Member for Greenwich (Mr. Chambers) for the lucid statement he had made with respect to the object and intent of this measure. If the House did not allow its common sense to be mystified by any legal arguments, he was sure it would come to a right decision and allow the Bill to be read a third time, so that it might, at all events, go before those learned Judges who were Members of the other House of Parliament, that they might say whether the law as it at present stood was ambiguous or not. The hon. and learned Gentleman had quoted part of the charge of Mr. Baron Rolfe; but there was one part of it which he had omitted, and which was quite in contradiction to the opinion of Mr. Justice Erle. Mr. Justice Erle said that workmen had no right to combine if they were under an engagement; and he added that a person who was not engaged had no business to advise parties who were engaged to leave their work unless they obtained higher wages. But what Mr. Baron Rolfe said was this—that the workmen ought to be on the same footing as their employers. Why should not the men combine as well as their masters? They had a right to consult together and to see whether they could not get their masters to give them better wages. The present Lord Chancellor did not on that occasion deny that it was, doubtless, lawful for the people to agree among themselves as to the amount of wages they would receive, and as to the number of hours they would work; and, that being so, he did not see any illegality in persons peaceably trying to persuade others to adopt the same views. Mr. Baron Rolfe did not consider it necessary to notice the fact whether the workmen were under engagements or not; but Mr. Justice Erle did. The object of this Bill was to remove that doubt.

Mr. HUME said, he was anxious that the House should act with due consideration of the great interests involved in the present measure. The noble Lord (Viscount Palmerston) had truly said that the Bill affected the whole of the working classes. The opinions of the Judges were adverse and inconsistent; and, as there appeared to be doubts entertained on the subject, he would suggest to the noble Lord that he should not reject the application of the working classes, who were anxious to obey the law, if they could but know what it was. He would further suggest, whether it would not be better that the debate should be adjourned to afford time to consider the subject, and not throw cold water upon the whole question by rejecting a humble application from the working people.

Mr. J. WILSON said, he wished to point out to the House another reason why it was desirable that the debate should either be closed or adjourned. It was absolutely necessary that the Exchequer-bills Bill should be advanced a stage this day, otherwise the House would be required to meet on Saturday.

Mr. HUME: I beg to move that the debate be now adjourned.

Mr. GEACH said, no man had a greater interest than he had in having labour uninterrupted; at the same time, he felt that the workmen were not placed in a right position. The law ought not to prevent any combination of workmen to promote their own interests, provided they combined peaceably, and did not interfere with the rights of others. He knew well that it was the practice of the employers, by combination and other ways, to seek to do that which they, by law, denied the right of the workmen to do. For his part, he was of opinion that combinations never led to good; but that was not the question. The question was, whether by law both parties—masters and men—ought not to be upon equal terms? He should support the Motion for adjourning the debate, in order that the subject might receive more deliberate consideration than the House had yet given to it.

Lord JOHN RUSSELL said, that in agreeing to adjourn the debate, he begged to state that he did so for the reason assigned by his hon. Friend (Mr. Wilson), and not for the reasons stated by the hon. Member for Montrose (Mr. Hume) and the hon. Member for Finsbury (Mr. Duncombe), as he did not wish in any way to be understood as pledging himself to support the Bill.

Mr. T. DUNCOMBE said, as the noble Lord had given no hope whatever that the Government would bring in any measure upon the subject, he wished the House to go to a division upon the principle of the Bill, and not upon the question of adjournment.

Mr. KENDALL was understood to say that in his county (Cornwall), on one occasion 6,000 men were out of employ, and in great difficulties. Some two or three "peaceable persuaders" came among them and kept up such a state of excitement as very materially to aggravate the painfulness of their position. One of those "peaceable persuaders" was got out of the county, and another of them was imprisoned, whereupon the people returned to their wonted occupations, and the peace of the county was never afterwards disturbed.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 102; Noes 121: Majority 19.

Question again proposed, "That the word 'now' stand part of the Question."

And it being Six of the clock, Mr. Speaker adjourned the House till Tomorrow, without putting the Question.

HOUSE OF COMMONS,

Thursday, May 5, 1853.

MINUTES.] NEW MEMBER SWORN.—For Taunton, Sir John William Ramsden, Bt.

NEW WRIT.—For Berwick-upon-Tweed, *v.* John Stapleton, Esq., and Matthew Forster, Esq., void Elections.

PUBLIC BILLS.—1° Vaccination Extension.

2° Municipal Corporations Act Amendment; Exchequer Bills.

BERWICK-UPON-TWEED WRIT.

Order read, for resuming adjourned Debate on Question [2nd May]—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a new Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Berwick-upon-Tweed, in the room of John Stapleton, esquire, and Matthew Forster, esquire, whose Elections have been determined to be void."

Question again proposed.

Debate *resumed*.

MR. PHINN said, he was very desirous to call the attention of the House to the necessity of adopting some settled and uniform principle with reference to the issuing of writs in cases where Committees had reported bribery to have existed. He thought that the present was a convenient time, because the Berwick-upon-Tweed case afforded a strong exemplification of some of the abuses which had crept into the practice of Committees, and showed how before that tribunal justice might be prostituted to private purposes. It was obvious, from the course of proceeding prescribed by various recent Acts of Parliament, that the House had not in any way abdicated its common-law jurisdiction, and that it was still within the power of the House, as the grand inquest of the nation, to institute any further inquiry, which, from the facts brought under its cognisance, might appear to be necessary. The certainty that in each borough and in every case the friends of the probably successful candidate would be clamorous for the issue of a new writ, to which those on the other side, also foreseeing the result, would object, was a sufficient argument against leaving unsettled a rule which should be decided and uniform; and as regarded inquiries subsequent to those of the petitioners, it was in the power, and it was the duty, of that House to institute further investigations, when those of the private individuals commencing the proceedings left undiscovered the corruption of the borough concerned. It would indeed be very hard if public justice were to be evaded because the end of a private petitioner had been obtained—a difficulty provided against in criminal cases very simply, by leaving it to the complainant in them, as here, to commence proceedings, but, having allowed his personal motives to take him so far, placing him then under heavy recognisances to carry them on. But in cases where a borough was accused of corruption, there was no such safeguard for the public. They trusted all to the disappointed candidate, relying on him to bring his grievances before the House of Commons: they had petitions presented, not to promote, but to stifle inquiry; and they found the sham or interested petitioner, having induced others by his feint not to proceed, withdrawing his petition as it suited him, and making use of the forms of the House merely to extract money for himself, and without any worthy object whatsoever. This state of things was very well illustrated before the Berwick Committee, Berwick being, as they must frankly admit—for they could not shut their eyes to it—a place notoriously corrupt, and one to which they would all in ordinary conversation admit it would be madness for any man to go to get elected, unless he had a very large supply of money in his pocket. Since the last election, the two Members returned by this borough, which was as notorious as Sudbury or St. Albans, had been petitioned against. In the Berwick case the Members returned sat on the Ministerial side of the House. There was a petition presented containing the ordinary charge of bribery and treating, and the more general and sweeping one—that extensive bribery and corruption had prevailed at the last election. The ordinary lists of bribers and bribed were also handed in, and it appeared that one Member was charged with sixteen, and the other with ten, cases of deliberate bribery. Upon the first day of the inquiry, evidence against both the sitting Members was proceeded with. At the close of that day, the evidence appeared to be strong against one Member, Mr. Stapleton; and upon the following day he withdrew upon the ground that the charge of treating had been brought home to his agents. Immediately afterwards counsel stated that the petition had been throughout a fishing petition, and that it was not proposed to carry it further, or adduce any other evidence before the Committee. The Committee, however, cleared the room, deliberated upon the matter, and, after remaining in deliberation some time, they then declined to let the case drop, and required the counsel to proceed. Somewhat reluctantly he did so, but no evidence of any importance was adduced with reference to bribery. Still the Committee found that bribery had been committed by the agent of the Member, and fixed upon certain persons whom they named in their Report. That Committee was presided over by a most able and impartial chairman, and, in pursuance of their duty, they called in the agents upon both sides, and inquired of them whether any compromise had taken place. The answers to that inquiry—answers, by the by, which appeared to be given rather "by the card"—satisfied them that no compromise had taken place. But there was no investigation before that Committee, either by calling the sitting Members or their agents, into the practices of the borough. One or two things, however, the House must consider. Of course, in the present state of the law, private individuals had a right to prosecute these inquiries in the way that best suited them; and that way was by the calling of the fewest possible witnesses, and the incurring of the smallest possible expense. There was also another object frequently in view. If the petitioner had been a candidate himself, for example, his desire was not only to unseat the Member, but to preserve the good will of the borough; and if he probed the sores too deeply, it was probable that he would not succeed in this. In the present case, however, the abrupt termination of the petition caused a great deal of surprise out of doors, and rumours became rife. In fact, a journal, which he must say was most fearless in detecting abuses of all kinds, called the attention of hon. Members pointedly to the way in which the forms of the House had been abused, for the purpose of extorting money. The *Times* newspaper adverted to that inquiry in the following terms:—

> "Surely the Members of an Election Committee would be not a little astonished if they discovered that the original purpose and ultimate end of the inquiry they were conducting was to put a large sum of money into the hands of a sharper—of a man who, in point of fact, is little better than one of those scoundrels who attempt to extort money by threatening prosecutions and exposure where no legitimate subject of exposure exists. The practice to which we would call attention is as follows:—There is to be an election for a borough; one, two, or more *bonâ fide* candidates present themselves for the suffrages of the electors. Another one then steps in, not with the idea of being returned, but simply with the view of placing himself in such a position that he can present a petition against the successful candidates. Of course, for the purposes of our argument, we must assume that these successful candidates do, in point of fact, come before the Committee with clean hands. Nothing, however, is more simple, under the present practice, than to make out a specious case against anybody. This is done. The next act of our adventurer is to cause an intimation to be made to the sitting Member that for a given sum—say 2,000*l.*—he will withdraw the petition. What is that Member to do? In the present state of the law the odds would lie heavily against any man who should attempt to maintain a disputed seat. The furnace is exceedingly hot. Shall he buy the rogue off? Shall he listen to the voice of natural indignation, and, conscious of the rectitude of his conduct, dare his adversary to do his worst? That is, no doubt, the heroic course, but yet a somewhat dangerous one, if the person attacked wishes to maintain his seat. Still, on the whole, there is no help for it. It will not do to compromise matters with rogues—for who could predict what the next step would be if a man should once, by his own act, put himself in their power? Go on, then, and lose your seat! This is no imaginary case. Within the last few days the trick we have described has actually been played, and, if we are rightly informed, the Members of a Parliamentary Committee have been made the participators of as arrant an attempt at swindling as was ever called in question within the walls of the Old Bailey. For obvious reasons, we cannot produce the names. We will only say, that a Member has just been displaced who might have retained his seat had he paid 2,000*l.* to the petitioner. The offer was made in several ways. The petitioner called upon the sitting Member's son, and offered to withdraw the petition upon certain conditions. He offered to make such a bet with the young man as must terminate in his own favour, so that, if the transaction should ever be called in question, there might be a colourable answer. This offer was rejected. Next he went to the house of a mutual friend, and sent word through him that he would withdraw the petition for exactly the sum of 2,000*l.* At that gentleman's house he waited for the answer, which was a decided and indignant negative. The case went on, and the Member was unseated. He had given positive instructions to his agent to call him before the Committee; but, in the opinion of the

agent, and, we believe, of the counsel employed, an unfavourable result was deemed a matter of such wild improbability, that the sitting Member was—most unfortunately, as it turned out—not called. Thus the opportunity for relating to the Committee, with full particularity of name and circumstance, the incident, which we cannot describe more fully than we have done, was irretrievably lost."

Now, he asked the House whether it was fit and decent that these proceedings should go unquestioned. It might be said that that statement did not necessarily apply to Berwick-upon-Tweed; but he thought he could show the House most clearly that it did. Some days after the article appeared in the *Times*, the *Daily News* went into the particulars of the case, and fixed the transaction upon the brother of a recent petitioner before a Parliamentary Committee; and, more recently still, an address to the electors of Berwick-upon-Tweed appeared in the Berwick paper, signed by Mr. John Hodgson Hinde, who was a brother of one of the petitioners, which traced beyond a doubt these charges home to that borough. The House might say that this seemed to be a mere private negotiation; but he asked them to connect it with the subsequent withdrawal of the petition, alleging ten cases of bribery against one Member, and sixteen against the other. He was not speaking without book when he said, that instead of there being only ten and sixteen cases of bribery respectively, it might, with much more truth, be said there were between 300 and 400. He made this statement, not upon indefinite authority, but upon the opinion of persons who knew what elections at Berwick were, and who said, " It is of no use going down to Berwick unless you are prepared to pay the freemen all round." What, then, was the course which the House ought to pursue under such circumstances? He asked them whether the notoriety of corruption was not a strong reason to induce the House to take some step in the matter? He had heard the speech of the hon. Member for West Surrey (Mr. Drummond) on a similar case the other night; but he (Mr. Phinn) was not one who believed that corruption had so deeply tainted either that House or the country as that hon. Member seemed to suppose. If the hon. Member's theory were pushed to the utmost, it would justify corruption even on the Bench. He (Mr. Phinn) believed that a large majority of the Members of that House had been returned without corruption; and, though he was opposed in politics to hon. Members opposite, he would say that he believed that most of the county Members had been returned without any corrupt pecuniary influences. But he asked the House whether the country would be satisfied with a partial crusade against corruption, and whether it was not their duty, whenever such circumstances as he had referred to were brought under the notice of the House, at once to institute a vigorous inquiry? He believed that the evil had reached such a height that the House would be justified in sending Commissions to every borough in the country. It would, perhaps, be said, that it was all very well for a member of the profession to which he belonged to make that proposal, because it would give employment to the barristers; but he would say, let the Commissioners be Members of Parliament instead of barristers, if they pleased, or let them be persons who were connected neither with the profession of the law nor with Parliament—let them investigate the corruption — let them look the evil in the face, and see what was its extent—and then deal promptly and vigorously with it. It might be said, also, that if they instituted roving commissions of this kind, it would procrastinate any attempt to reform the representation. But he would tell the House—and he spoke with some little experience—that the Commissioners would get at the bottom of the evil in four or five days — because, although St. Albans had occupied twelve or thirteen days, there was no necessity, in order to prove the system which prevailed, to go into each individual case of reported bribery, as was done on that occasion. All that would be necessary for them to do would be to summon the political agents of the borough, the bankers, and a few other persons, and the inquiry would be completed in almost every borough in about five or six days. But the House might depend upon it that so long as they allowed a mass of corruption to exist, any extension of the suffrage would only be prejudicial to the character of the House; and he believed that they ought to look the alleged evil firmly in the face before they attempted to deal with the reform of the representation. All other institutions were subjected periodically to inquiry and revision, and why should there not also be a fair inquiry into our system of Parliamentary representation? He would now conclude by moving that no writ be issued for the borough of Berwick-on-Tweed till Thursday, the 2nd of June.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'no New Writ be issued for the Borough of Berwick upon Tweed before Thursday, the 2nd day of June next,' instead thereof."

MR. KER SEYMER said, he had been anxious to hear on what grounds the hon. and learned Member for Bath, in the absence of any special report from the Committee, and not having himself moved that the minutes of evidence taken before the Committee should be laid before the House, justified the suspension of the writ. The hon. and learned Gentleman's speech had removed his anxiety. He could perfectly understand, now, why the hon. and learned Gentleman had not moved for the production of the minutes of evidence, because he depended, not upon that evidence, but on articles in the *Times*, *Daily News*, and *Berwick Advertiser*. The hon. and learned Gentleman had also spoken of the notoriety of the corruption in the borough of Berwick-upon-Tweed. He (Mr. Seymer) could assure the hon. and learned Gentleman that he was not aware of the great notoriety of the borough of Berwick in that respect, for since he had the honour of a seat in that House, he did not think that the case of Berwick had ever before been brought before them; and he had not made it his business to inquire about the corruption of former days. He would say, however, as a matter of principle, that whatever might have been the character of the borough of Berwick in former days, any corruption that might have existed was condoned by that House when they issued new writs. He could not refer to the evidence which was taken before the Berwick Committee, because it was not in the hands of Members, but that was not his fault. He had abstained from moving for its production, because the Committee were unanimously of opinion that the writ ought to issue, and that there was no occasion to print the evidence. He had himself always followed the principle of not moving for the production of evidence in cases of Election Committees, unless he was himself prepared to found some Motion on the evidence, and he thought that a sound and good rule. The hon. and learned Member for Bath (Mr. Phinn) knowing the Amendment he intended to move, would have done well, he thought, to move for the evidence before submitting his Amendment. But though he was unable to refer to the evidence, he (Mr. Seymer) might state briefly what took place before the Committee. The Committee met last Friday week, and proceeded to take evidence affecting the sitting Members, both as regarded bribery and treating. The case of treating by agency against Mr. Stapleton came out so strong, that he (Mr. Seymer) was not at all surprised when next day that Gentleman's counsel said that he would not attempt to defend his seat. The Committee then cleared the room, and declared Mr. Stapleton unseated; but, on looking over the evidence afterwards, it occurred to them that there was a charge of bribery affecting Mr. Stapleton, and they accordingly called upon his counsel to answer that charge. That having been done, the Committee again ordered the doors to be closed, and after deliberating anxiously on the matter, they arrived at the conclusion that agency in the case of Mr. Stapleton had not been proved; so that they came to no resolution in regard to the bribery alleged against Mr. Stapleton. The counsel for the petitioner then stated that he would not bring forward any further evidence against the other sitting Member (Mr. Forster). It then certainly did strike the Committee that there was some appearance of a corrupt compromise in this, and they accordingly did what they were empowered to do—they called in the agents of the parties concerned, and examined them on the subject, and the conclusion the Committee arrived at was, that no corrupt compromise had been attempted. In these circumstances, they felt that their duty was merely to declare that Mr. Forster was unseated for bribery, and Mr. Stapleton for treating, and to report that Resolution to the House. The hon. and learned Member had alluded to an article in the *Times*, which he supposed to refer to the present case; and he (Mr. Seymer) thought it very possible it did, and he would tell them why. When the doors of the Committee room were closed, and the Committee were considering their Report, Mr. Forster rushed into the room in a state of considerable excitement, and asked the Committee whether his counsel had made application to call him as a witness? He was informed that he had not; upon which Mr. Forster seemed much surprised and annoyed. He (Mr. Seymer) might state, that the impression of the Committee was, that Mr. Forster's counsel had exercised a wise discretion in not calling him as a witness, because it was probable that the first question that would have been put to him, on cross-examination, would have rendered very clear it was a case of agency about which the Committee entertained doubts. But, supposing all that had been said about a compromise to be true, he wanted to know how the right of the electors was affected by it? It was very possible that, supposing a corrupt compromise had been intended, a person might go to the sitting Member and say, "I have a clear case against you. I can prove that an agent of yours gave a man *5l.* for his vote, and unless you give me so much money I will petition against you." But there might not be a single other case of bribery in the whole borough. This would not, therefore, prove a state of general corruption, or affect the right of the town to return Members to Parliament. He supposed the hon. and learned Gentleman would admit there were some pure electors in Berwick; but yet there had been no petition presented from them for inquiry. There were two modes in which an inquiry might be carried on after the decision of a Committee: one, the course pursued in the Rye case, where the Committee had reported that a further investigation ought to take place; the other where the parties presented a petition. But, short of such proceeding, he maintained there was no satisfactory way of investigating the matter. The hon. and learned Gentleman had spoken of a Commission; but he (Mr. Seymer) did not believe that the other branch of the Legislature would concur in an Address to the Crown, unless some legal evidence was adduced to show them the necessity of so doing. The hon. and learned Gentleman wished to send hon. Members to fish in the Tweed for corruption. He (Mr. Seymer) did not mean to say that if they went they would not find some sport. But what he did mean to say was, that they could arrive at no conclusion that would affect the right of the electors of Berwick. He understood that four Gentleman, believing from the Report of the Committee that a writ was about to be issued, were now busily engaged in contesting the borough. If Berwick was not immaculate, why expose it to a long canvass? If the hon. and learned Gentleman believed that the electors of that borough were thirsty souls, why put off the election till after the dog-days? He could not help thinking that there was some political motive beyond this and similar Motions. Perhaps hon. Members wanted to make out a case for an extensive Reform Bill. If so, he would not quarrel with them on that point. If they thought a reduced franchise a beneficial measure, they were quite entitled to their opinions. He only objected to their doing so by interfering with the just rights of the electors of Berwick.

SIR FREDERIC THESIGER said, he would not have presumed to have interposed between the House and the hon. Member for Dorsetshire (Mr. Ker Seymers) with any remarks of his as to what had passed before the Committee; but the House would observe that the hon. and learned Gentleman the Member for Bath (Mr. Phinn) had made statements which involved serious imputations upon a gentleman who had been for many years a Member of that House. And he thought the House would feel that, in fairness and justice, this gentleman should have an opportunity of stating to the House what were the circumstances connected with this petition against the late sitting Members, in order to remove, as far as he could, the impression which must necessarily be produced by an article which had appeared in the *Times*, and which there could be no doubt referred to the Berwick-upon-Tweed election, for the article had also appeared in the Berwick newspapers, and was in fact pointed at Mr. Hodgson, who had called his (Sir F. Thesiger's) attention to it some few days since; and, anticipating that the hon. and learned Member for Bath would bring the subject before the House, had requested him, on his behalf, to make a statement of the circumstances. He was now prepared to do so, and therefore asked for the indulgence of the House. Whatever might be the intention of the House as to the issuing or the withholding of the writ, he was requested by Mr. Hodgson to state, fully and fairly, all the circumstances so far as he was concerned, and he would do so, keeping back nothing. He begged to call the attention of the House for a short time to the charges contained in the article in the *Times*, for anything more serious than those charges were could scarcely be imagined. The article to which he alluded contained the following statement:—

> "The practice to which we would call attention is as follows:—There is to be an election for a borough; one, two, or more *bonâ fide* candidates present themselves for the suffrages of the electors. Another one then steps in, not with the idea of being returned, but simply with the view of placing himself in such a position that he can present a petition against the successful candidates. Of course, for the purposes of our argument, we must assume that these successful candidates do, in point of fact, come before the Committee with clean hands. Nothing, however, is

more simple under the present practice than to make out a specious case against anybody. This is done. The next act of our adventurer is to cause an intimation to be made to the sitting Member that for a given sum—say 2,000*l.*—he will withdraw the petition. What is that Member to do? In the present state of the law the odds would lie heavily against any man who should attempt to maintain a disputed seat. The furnace is exceeding hot. Shall he buy the rogue off? Shall he listen to the voice of natural indignation, and, conscious of the rectitude of his conduct, dare his adversary to do his worst? That is, no doubt, the heroic course, but yet a somewhat dangerous one, if the person attacked wishes to maintain his seat. Still, on the whole, there is no help for it. It will not do to compromise matters with rogues—for who could predict what the next step would be if a man should once, by his own act, put himself in their power? Go on, then, and lose your seat! This is no imaginary case. Within the last few days the trick we have described has actually been played, and, if we are rightly informed, the Members of a Parliamentary Committee have been made the participators of as arrant an attempt at swindling as was ever called in question within the walls of the Old Bailey. For obvious reasons we cannot produce the names. We will only say that a Member has just been displaced who might have retained his seat had he paid 2,000*l.* to the petitioner. The offer was made in several ways. The petitioner called upon the sitting Member's son, and offered to withdraw the petition upon certain conditions. He offered to make such a bet with the young man as must terminate in his own favour, so that, if the transaction should ever be called in question, there might be a colourable answer. This offer was rejected. Next he went to the house of a mutual friend, and sent word through him that he would withdraw the petition for exactly the sum of 2,000*l.* At that gentleman's house he waited for the answer, which was a decided and indignant negative. The case went on, and the Member was unseated. He had given positive instructions to his agent to call him before the Committee; but, in the opinion of the agent, and, we believe, of the counsel employed, an unfavourable result was deemed a matter of such wild improbability that the sitting Member was—most unfortunately, as it turned out—not called. Thus the opportunity for relating to the Committee, with full particularity of name and circumstance, the incident, which we cannot describe more fully than we have done was irretrievably lost. It remains to be seen if the House will pass over in silence so discreditable a transaction, now that attention has been thus publicly called to the fact."

Now it would be seen that in this article his hon. Friend was treated as an "adventurer." Now, was it proper to designate as an adventurer Mr. Hodgson, who had for ten years represented the town of Berwick-upon-Tweed in that House, and his brother had for seventeen years, and down to 1847, represented Newcastle-upon-Tyne. In 1847, his friend Mr. Hodgson was solicited to stand for the borough of Newcastle-upon-Tyne, his brother having resigned, and he consented to do so, although no opposition to his re-election at Berwick was contemplated. Last year at the general election he had been solicited to return to Berwick, and stand for it. Mr. Hodgson believed parties in that borough were almost equally balanced, and that the Conservative party had a fair right to one seat, and, therefore, he resolved that if the Liberal party should insist upon returning two Members he would allow himself to be put in nomination. Accordingly, when Mr. Stapleton was brought forward in conjunction with Mr. Forster, Mr. Hodgson issued his address and commenced his canvass. The result was well known. Treating and bribery had prevailed to a considerable extent at the election, he must conclude from the issue of the inquiry. Mr. Hodgson, at the time the poll was declared, intimated his intention to present a petition against the return of the sitting Members —he prepared his materials accordingly, and laid them before a barrister—a man of Liberal politics, and of the highest character. Upon looking through the evidence which Mr. Hodgson had prepared, the counsel expressed his opinion that the case was complete against the sitting Members, and, with the concurrence of Mr. Hodgson, he communicated with their agents, telling them that defence to the petition about to be presented was hopeless. Mr. Hodgson's desire was to secure one of the seats for a Conservative, and he was desirous of doing this without presenting a petition—partly because a petition was a very expensive proceeding, and partly because it would render him unpopular in the borough. Nothing, however, resulted from this communication, and Mr. Hodgson went down prepared to prosecute the petition. Mr. Hodgson had told him (Sir F. Thesiger) that there were no less than ninety witnesses whom he had intended to produce, and there were forty-four of the adverse party who had Speaker's warrants served on them—in short, no less than sixty witnesses were to be sent up to London upon telegraphic communication if their services were required. Mr. Hodgson, under these circumstances, called upon a Gentleman of great weight and authority, who sat on the Ministerial side of the House, and laid the whole of his case before him. Upon his advice, Mr. Hodgson sought an interview with Mr. Forster. He proposed to Mr. Forster first of all that both the sitting Members should vacate their seats;—and his next proposal was that one of them should retire, and that there should be no opposition offered to one Conservative candidate. It unfortunately happened that there was no union of feeling between the two sitting Members, so that arrangement was, according to the terms proposed, impracticable; but it was agreed upon that Mr. Hodgson should have an interview with Mr. Forster's son—Mr. Forster, sen., assuring him that his son was a man of strict honour. The hon. and learned Gentleman (Mr. Phinn) alluded to the interview which had taken place between Mr. Forster, jun., and Mr. Hodgson. According to the statements that had been made to him, Mr. Hodgson said, "Now, we are within the four walls of this room, and let it be understood that neither you nor I shall repeat anything which passes between us. Your father distinctly stated that he does not wish to know what takes place at this interview, and, therefore, if you please, it shall be strictly confidential." And yet, notwithstanding this agreement, there appeared an article in the *Times* newspaper of the circumstances which took place at that interview, and which could only have been communicated by Mr. Forster, jun. The passage from the article in the *Times* was as follows:—

> "The petitioner called upon the sitting Member's son and offered to withdraw the petition upon certain conditions. He offered to make such a bet with the young man as must terminate in his own favour, so that, if the transaction should ever be called in question, there might be a colourable answer."

He would now give a statement of what really took place relative "to the compromise for 2,000*l.*," concealing nothing, and leaving the House to form its own judgment on the facts. It was proposed, as he had stated, that both Members should vacate their seats; but this was neglected because the sitting Members were not on amicable terms. The next proposal on the part of Mr. Hodgson was, "If I undertake to proceed with the petition against Mr. Stapleton alone, will your father give me a guarantee that there will be no opposition to my election at Berwick?" To which Mr. Forster, jun., replied, "What security would you have?" "Why," said Mr. Hodgson, "you may enter into a penalty in case I am not returned." ["Oh, oh!" *and* "Hear, hear!"] Hon. Members would, he trusted, hear him patiently—he was only discharging what he considered to be his duty. When the case was mentioned to him, he expressly stated that he would not have anything to do with it unless he were allowed, in the most unreserved manner, to place before the House the whole of the facts. He thought he might venture to say, that, however the House might disapprove of what he had stated, it was very different from the version which had been given in the *Times*—very different from Mr. Hodgson's having "offered to make such a bet with a young man as must terminate in his own favour, so that if the transaction should ever be called in question, there might be a colourable answer." But to proceed:—In reply to Mr. Hodgson, Mr. Forster, jun., stated, "That a bond of the kind proposed would be illegal;" upon which Mr. Hodgson said, "I will lay you a bet, or in any other way you like." This was what Mr. Hodgson stated. And here he thought it right to introduce a correspondence which had taken place between Mr. Hodgson and Mr. Stapleton. He would not read the letter of Mr. Stapleton, but there were passages in the letter of Mr. Hodgson which he thought it was fair to Mr. Hodgson should be read to the House:—

> "It was only, however, after consultation with my political friends in the borough, and under the conviction that the fullest inquiry cannot jeopardise the privilege enjoyed by Berwick of sending future representatives to Parliament, that I determined to nullify the last election. In this resolution I only vindicate the right of that large section of the electors, who concur with my political opinions, to their due share of representation. At the same time, I shall test the soundness of that opinion held by myself in common (I believe) with nine-tenths of the inhabitants, and not excluding either of the sitting Members, that on equal terms, namely, in a contest, either on the part of the candidates, entirely pure or universally corrupt, my election was a matter of certainty up to the eve of the poll. I disclaim altogether any right to justify the presentation of my petition by the imputation of motives or acts on your part, subsequent to the election, affecting myself personally. In fact, the question is not personal; and, as far as I am concerned, shall be tried with patience and perseverance, but without loss of temper. . . . . . I say with the utmost sincerity that it would have been more gratifying to me that the object in view had been attained without the presentation or prosecution of a petition; but it was incompetent in me to make any overture, except that a new election should take place by consent of all parties; and I had no reason to believe that this would have been accepted. In conclusion, I must, in candour, inform you that, in looking to the utter impossibility of a successful defence against the petition, my counsel will, at the opening of the case, lodge his claim for expenses incurred in its establishment, on the ground that opposition, under the circumstances, cannot be otherwise than frivolous and unfounded. Having stated this, I have only further to say, that I am

perfectly willing that the evidence already prepared shall be submitted to yourself or to any friend of your own, professional or otherwise, with the proviso that, in the event of no opinion being entertained at variance with my own as to the nature of the case, I shall be spared the necessity of proceeding with my petition as against your return by your abandonment of its defence; and, so far as you and your friends are concerned, no impediment shall be interposed to my election; on the other hand, if my opinion be controverted, the documents submitted to be privileged, insomuch that, while you shall be at liberty to procure counter-evidence, the actual facts, and testimony, and names of witnesses shall be undivulged. I do not think a fairer offer, nor one more indicative of dependence on an adversary's honour can be made; but, being well aware of the personal consequences to yourself and others which must follow the proof of my allegations, I am unwilling to throw away the opportunity afforded me by your communication to avert these, if possible."

He thought that showed pretty clearly that Mr. Hodgson was not prosecuting the petition with any such disgraceful object as was attributed to him by this article. Mr. Hodgson went to Berwick a few days before the petition was heard, for the purpose of arranging for sending up the witnesses, and in his absence that communication took place which was stated by the hon. and learned Member for Bath—a communication on the part of Mr. Forster, to see whether there could not be an arrangement about the petition, so far as it respected himself. Mr. Hodgson had nothing whatever to do with that negotiation; he knew nothing whatever about it until his return to London, when a communication was made to him by his brother that there had been overtures on the part of Mr. Forster; but as Mr. Hodgson Hinde stated, no details were imparted to Mr. Hodgson, and he knew nothing about it. The Committee met, and on the very first day of the inquiry they heard from the Chairman there was no doubt whatever that the case was completely established against Mr. Stapleton on the ground of treating. There had been evidence given against Mr. Forster which certainly placed his seat in very great jeopardy. Under that state of things a communication was made on the part of Mr. Forster proposing that no further evidence should be produced against him, and that he would undertake that no opposition should be offered to the election of a Conservative candidate for Berwick. Mr. Hodgson being put to very considerable expense, stated that he would not accept of any offer at all but the seat with the costs he had been put to; and accordingly that offer was rejected, and in the course of the day an hon. Friend of his (Sir F. Thesiger) communicated with Mr. Hodgson, and expressed his regret that some arrangement was not come to, when Mr. Hodgson said distinctly, "The seat and the costs are my terms, and to no others will I agree." It was intimated that Mr. Stapleton would abandon the defence of his seat, on which Mr. Hodgson desired that notice should be given to him that an application would be made to the Committee for costs against him, according to the previous notice Mr. Hodgson had given him in the letter to which he (Sir F. Thesiger) had directed the attention of the House, on the ground that the defence of his seat would be frivolous and vexatious. The Committee met on the second day. Mr. Hodgson was communicating with his counsel as to the grounds upon which they were to press for the costs against Mr. Stapleton, when, to his surprise, he was informed that an arrangement had been made that Mr. Forster should pay the costs of the petition, and that neither he nor his friends should oppose the return of a Conservative candidate for Berwick, and that no further evidence should be produced before the Committee. He was stating the facts; the arrangement was to hold good, whatever the decision of the Committee might be with regard to Mr. Forster, on the evidence. It gave him considerable pain (he was bound to say) to hear from his hon. and learned Friend (Mr. Phinn) that it had been proved to the satisfaction of the Committee that no compromise had taken place between the parties. The result was known. The Committee decided that Mr. Stapleton's election was void on the ground of treating, and Mr. Forster's on the ground of bribery. Whether the circumstance of there having been a compromise was a ground for the House saying that a writ should not issue, it was not for him to decide. But he confessed it appeared to him there would be very great difficulty, even after the knowledge of all these facts, in their saying the writ ought not to issue, because it appeared to him there were no circumstances which the House could avail itself of for the purpose of suspending the writ and instituting any effectual inquiry. Under the 5 & 6 *Vict.*, it was quite clear the time was gone by for any petition. There had been no Report of the Committee that any further inquiry should take place. Then, how was it possible, under those circumstances, that they could fairly and properly suspend the writ and say that the constituency of Berwick-upon-Tweed should be deprived of their representatives for any time? The hon. and learned Member for Bath said, and truly said, that that House had what he called common law—not common law, but Parliamentary law—by which, if it thought right, without any Act of Parliament, it might suspend any writ, and direct any inquiry it pleased; but he (Sir F. Thesiger) thought it would be a very strong measure, when the House had consented to an Act of Parliament which provided for particular occasions on which—not that the writ should be suspended, but that an inquiry should be instituted where there had been a Report that bribery was conclusively proved, or that an improper compromise had taken place, or a petition was presented to the House within three months after the act of bribery was committed. For what did the Act of Parliament say? It said that, although the House directed an inquiry, and the Committee assembled for that purpose, it should have no effect on the issuing of the writ. Then, they were really going to assume a power beyond that which they had agreed should be given to them by Act of Parliament limiting and fettering their powers, if they had larger powers; and therefore, it appeared to him that it would be unjust to the constituency to suspend the issuing of this writ, although it might be desirable there should be a Select Committee appointed to inquire into the circumstances connected with this charge against a Gentleman who was a Member of that House, and which reflected also on the late hon. Member for Berwick. He thought it would be desirable that a Committee should be appointed to institute such an inquiry, but that that ought not to have the slightest effect whatever on the issuing of the writ, because whatever might be the result of that inquiry on the Report of the Committee, it ought not to have the slightest influence in preventing the constituency of Berwick-upon-Tweed from having the advantage of representatives.

MR. WHITESIDE said, that the evidence of all the attorneys who had been examined before the Committee went to show that there had been no compromise.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 218; Noes 60: Majority 158.

Main Question put, and *agreed to.*

"*Ordered*—That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of two Burgesses to serve in this present Parliament for the Borough of Berwick upon Tweed, in the room of John Stapleton, esquire, and Matthew Forster, esquire, whose Elections have been determined to be void."

SEIZURE OF WARLIKE STORES—M. KOSSUTH.

On the Motion for going into Committee of Ways and Means,

MR. T. DUNCOMBE rose and said: Sir, in pursuance of the notice which appears on the journals of the House, I have now to ask the noble Lord the Secretary of State for the Home Department, whether, in consequence of two informations of a political character having been laid against William Hale, inventor and manufacturer of the patent war-rocket, and the first of such informations having terminated in the said patentee (William Hale) being adjudged to pay certain penalties to the Crown, it is the intention of Her Majesty's Government to advise the Crown to proceed with the second information, laid under the provisions of a law passed during the reign of William III., 1697, intituled "An Act to prevent the throwing or firing of squibs, serpents, and other fireworks." Now, Sir, in asking this question I will state, as shortly as possible, not only my reasons for asking it, but exactly how the case stands at the present moment as regards the defendant Hale; and I think I shall be able to prove to the House that so absurd and ridiculous a prosecution as the present was never instituted by any British Government on political grounds. That this prosecution has been instituted for political reasons and on political grounds, I think the noble Lord the Secretary of State for the Home Department has already admitted in his place in this House; but if there be any doubt about it, you have only to look at the leading articles which have appeared in the organ of the Government, certain extracts from which I will take the liberty of reading to the House. The first seizure of Mr. William Hale's property was made on the 14th of last month, and on the following day, the 15th, an article on the subject appeared in the *Times*. It commenced as follows:—

> "The British Government has not waited long for an opportunity of proving to all the world the sincerity of its resolution to put the law rigorously in force against such foreign refugees re-

> siding in this country as have abused the tolerant hospitality of England by carrying on conspiracies against other States. We believe that we are correctly informed when he state that, upon intelligence received by the Secretary of State for the Home Department and the Commissioners of Police for the Metropolis, active measures have been taken to substantiate the charges which have long been vaguely preferred against M. Kossuth and his adherents. Upon this legal information a house in the occupation of M. Kossuth was searched yesterday morning at an early hour by the competent authorities, acting, we presume, under the Secretary of State's warrant, and the result of this investigation was the discovery of a large store of arms, ammunition, and materials of war, which may be the stock in trade of a political incendiary, but certainly form no part of the household goods of a private gentleman living in pacific retirement. Indeed, there is reason to believe that these preparations have been going on upon a scale entirely inconsistent with the notion of any mere private speculation, and must have had in view hostilities or insurrectionary movements of a very destructive character. We know not how long the attention of the Home Office has been directed to the suspicious proceedings of the persons engaged in these lawless undertakings, but Lord Palmerston has shown his usual energy and skill in tracing the evil to its root; and it is extremely satisfactory that the Minister who has been so often identified with these adventures by the ignorance or passion of foreign Governments should now have it in his power to show, by a conspicuous example, that the good order of society and the friendly relations of this country with foreign States are not to be violated with impunity under his administration."

Now, Sir, I believe M. Kossuth has complained of having been libelled by this article; but in my opinion the noble Lord the Secretary of State for the Home Department has more reason to complain, for I think he has been libelled by the *Times*. It is only two years ago since this House, after a long and interesting debate, passed a Resolution in approbation of the noble Lord's foreign policy. I voted in favour of that Resolution, because I thought the noble Lord had taken an independent part in relation to foreign countries; and I am much surprised, therefore, to find the *Times* eulogising him for conduct quite the reverse. Still I retain my favourable opinion of the noble Lord, and, whatever the *Times* may say, I think the noble Lord is not " the Minister of Austria." In another article the *Times* says the proceedings against the Hales are not for paltry penalties, but are for other State purposes. The exact words of the journalist are—

> "Mr. Bodkin observed in his address to the Court, that 'there were other reasons besides the mere punishment of Hale that had induced the Government to take the present proceedings; but at this stage of the inquiry he should not enter into them, and he should leave them to develop themselves in the progress of the case.' The penalty imposed by the statute 12 *Geo.* III. is only the forfeiture of the goods, with a fine of 2*s*. a pound on the powder seized.
>
> "It would be absurd to suppose that the active and energetic measures taken in this case, under the immediate direction of the Government, and by the Solicitor to the Treasury, are solely intended to recover this paltry penalty. We are confident that there is considerably more to be disclosed than is yet before the public. If we are not strangely misinformed, there are still important witnesses who have not been examined on this charge against Mr. Hale, for he only figures in the capacity of agent and manufacturer of rockets for other parties."

Well, that is the opinion of the *Times;* but it has been confirmed by the speeches that have been made at Bow-street on the part of the Government. Now, Sir, as I have said, Mr. Hale has had two informations laid against him. The first information was brought under what is called the Gunpowder Act of *Geo.* III. Under that Act he was adjudged to pay 2*s*. a pound for 57 lbs. of a composition which was found on his premises at Rotherhithe, but which he maintains was not gunpowder, and which, I believe, no man ever thought was gunpowder until it came to Bow-street. Mr. Hale had 257 lbs. of this substance in his possession; but he was acknowledged to be a trader in gunpowder, and as traders are entitled to have 200lbs. of gunpowder on their premises, he was sentenced to pay 2*s*. a pound only on the 57lbs. But the truth is, Mr. Hale had carried on his works, had made his shells and rockets, close to Woolwich Arsenal, without let or hindrance, for a long period, and only a comparatively short time has elapsed since he removed to Rotherhithe, and so came within the provisions of the Gunpowder Act; for I understand the Act prohibits any person from keeping more than 200lbs. of gunpowder within three miles of the City of London, in case, I presume, my right hon. Colleague the Lord Mayor and the corporation of the City should be blown up. Under these circumstances Mr. Hale was unfortunately condemned. The question certainly arose whether the composition was gunpowder or not. Witnesses were produced—one on the part of the Government, and one on the part of Mr. Hale. Mr. Hale's witness (Dr. Ure) said it was nonsense to suppose that this composition was gunpowder; the other man (Dr. Hoffman, said that it was. But the persons with whom Mr. Hale dealt, and who were also employed by the Government to supply gunpowder, said that there was no such thing known as gunpowder in the rocket trade. Mr. Henry (the magistrate) took time to consider his judgment, and as soon as he got home rushed to his *Encyclopædia Britannica,* in order to see what gunpowder was. Three days afterwards he came into court, and, saying not a word about the evidence which had been given before him respecting the composition, Mr. Henry said that he found out from the *Encyclopædia Britannica* that it was gunpowder after all, because our ancestors never saw gunpowder in the ungranulated state; and, therefore, the Government granulated poor Mr. Hale in the amount of *5l.* 14*s.* Such was the end of State prosecution, No. 1. Let us now proceed to No. 2. Upon the last occasion referred to, counsel for the prosecution said—

> "That there was another information to which the attention of the magistrates would be by-and-by directed, and as to which circumstances would be detailed which he would not now anticipate, but which would impart a character to these transactions."

It was perfectly well known that it was intended to identify Mr. Hale in some way or another with M. Kossuth. Mr. Clarkson, the counsel for the defence, suggested

> "that it would be better to try the question before them first. He was satisfied the mind of the magistrate would not be affected by what was to follow."

Information No. 2 came to be tried—the great explosion was to take place—the whole world was to be convinced that this was a most terrific conspiracy, and that M. Kossuth and Mr. Hale intended by their rockets to subvert every Government in Europe which they did not approve of. Upon what was this second information laid? Upon an Act passed in the ninth year of the reign of William III., in the year 1697 — an Act which he (Mr. Duncombe) would venture to say, had never been enforced, but had remained a dead letter ever since a few years after its passing. What he now complained of, and what the people of England would complain of, was, that a State prosecution should be carried on under such an Act of Parliament as that. It was entitled "An Act to prevent the throwing or firing of squibs, serpents, and other fireworks;" and the preamble showed what its object was. The preamble stated—

> "Whereas much mischief hath lately happened by throwing, casting, and firing of squibs, serpents, rackets, and other fireworks, some persons having thereby lost their lives, others their eyes, others have had their lives in great danger, and several other damages have been sustained by many persons, and much more may thereby happen if not speedily prevented; for remedy whereof for the future, be it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled, and by the authority of the same, that from and after the 25th day of March, 1698, it shall not be lawful for any person or persons, of what age, sex, degree, or quality soever, to make or cause to be made, or to sell or utter or offer or expose to sale, any squibs, rockets, serpents, or other fireworks, or any cases, moulds, or other implements for the making any such squibs, serpents, rockets, or other fireworks, or for any person or persons to permit or suffer any squibs, serpents, rockets, or other fireworks to be cast, thrown, or fired from, out of, or in his, her, or their house or houses, lodgings, or habitations, or from, out of, or in any part or place thereof belonging or adjoining, into any public street, highway, road, or passage, or for any person or person, of what degree, quality, or age soever, to throw, cast, or fire, or to be aiding or assisting in the throwing, casting, or firing of any squibs, serpents, rockets, or other fireworks in or into any public street, house, shop, river, highway, road, or passage; and that every such offence shall be and is hereby adjudged to be a common nuisance."

There was a saving clause at the end allowing the Board of Ordnance to make rockets or fireworks, and it also permitted the Artillery Company and train bands of London and the militia to do the same. There was no doubt that under that Act Mr. Hale, in making his rockets, had been guilty of a violation of the law. He (Mr. Duncombe) would admit it; indeed, every body knew that Mr. Hale had made the rockets, and he was therefore guilty. But so were all the persons who made fireworks for Vauxhall and Cremorne Gardens. Indeed, all the manufacturers of fireworks in the kingdom were liable to punishment. I ask, who has ever thought of instituting a political prosecution under this Act? Why, Mr. Henry (the magistrate) appears to have been ashamed of the whole transaction, and glad to get rid of it. He heard the evidence of certain witnesses, among whom were three or four Hungarians—no, not Hungarians—political exiles, who had been objects of charity in the eyes of M. Kossuth, and who had received assistance at his hands. One of them was an honest thief, who had, from his own statement, received English hospitality at the treadmill in Maidstone gaol. That was one of the witnesses of his hon. and learned Friend the Attorney General. Then there were two or three Germans, who were not much better, but who had been sent by M. Kossuth to Mr. Hale, as had been admitted, in order that the latter might employ them. One of them had formerly been an officer in the Hungarian army, and was supposed to understand the manufacture of rockets. He was employed at a salary of 18*s.* a week. A great deal has been made of the statement of these men, that they were desired not to talk in public-houses of what was going on in the factory at Rotherhithe. Now really, Sir, I see nothing in this which is not capable of satisfactory explanation. The men might be told not to talk in public-houses, because the work carried on might be misrepresented, as it unquestionably has been, for I maintain that the Government has been grossly deceived and misinformed. Well, Sir, having heard the evidence of these political refugees, Mr. Henry resolved not to decide the case summarily; in fact, he was again bewildered, and being unable to extricate himself from the difficulty this time by consulting the *Encyclopædia Britannica*, he wisely determined to send the case over to the Surrey magistrates, who, sitting close to Vauxhall, he thought would be good judges of fireworks. So stands the case at the present moment. Now then, Sir, I would ask, is this a worthy or a dignified course for any Government of this country to pursue? If M. Kossuth and Mr. Hale have been guilty of any conspiracy to levy war against any of those countries with which we are now upon terms of amity, I say, indict them boldly and openly for that conspiracy; but if they have not been guilty of such an offence, do not rake up an old Act of Parliament that has slept for the last 120 years, even with regard to the making of fireworks. But what are all these proceedings for? Nothing, I am sure, can be more unpalatable to the great body of the people of this country, who look upon the whole transaction, as far as it has gone, with unmitigated disgust. I believe it is bringing the Government, to whom we all wish well, and to whom we are disposed to give a fair trial, into such disrepute with the mass of the people as few Governments have experienced. I ask, Sir, who is this transaction to please? The popular impression is that it is to please some foreign Government—to please the Austrian Government; and, indeed, I think we have sufficiently strong evidence of the fact in some of the foreign journals. This is a point to which I beg leave to direct the attention of the noble Secretary of State for the Home Department. Very recently a paragraph appeared in a Frankfort paper, headed "The English Police and Spies of Foreign Despots." It ran as follows:—

> "It is now confirmed that the Prussian police were most efficiently assisted in the late political arrests at Berlin and elsewhere by repeated communications from the police at London, without which many of their disclosures might not have been made; and we see a proof of the good faith of the British Government when, through Lord Westmoreland, it assures the Cabinet of Vienna that it will watch over the conduct of the refugees; and we learn from other sources that the London police have for some time kept a list of all the fugitives residing there, and watch over their communications with the Continent."

What, Sir, must Europe think of England unless she gives forth some contradiction of such injurious statements? It is quite right that the police of London, or any other police, should communicate with foreign Governments, in the event of persons seeking refuge here being guilty of felony, or murder, or of something of that sort; but the Government has no right, or the police have no right, to communicate with foreign Governments upon political subjects—upon any political crime that is committed here, or may have been committed abroad; and, indeed, our police have no right to communicate with the police of foreign Governments at all. They were not instituted for that purpose. But now I am to show that Austria had really something to do with these seizures at Rotherhithe, In the *Augsburg Gazette*, of the 14th April—remember Mr. Hale's property was seized on the 13th—there appeared an article, dated Munich, April 12, and expressed in the following terms:—"At London revolution is allowed to take counsel and fill her arsenals with destructive weapons, rockets," &c. Now, I think it is natural to infer from this that some communication had passed between certain parties in authority here and the informants of the *Augsburg Gazette*. So, Sir, the *Times* was not, after all, far wrong when it said—I forget the precise terms—that the Government of this country had been urged by Austria to look after the refugees, and that it was determined to show its willingness to do so. Now, Sir, I think Her Majesty's Ministers, when they are applied to by Austria or any other Foreign Power on the subject of political fugitives, ought to tell the Government appealing to them to look at the free institutions of this country—ought to remind them of the confiscations of Lombardy, and the cruelties and tortures that recently disgraced Milan and Mantua—ought to let them know that such is not the way to gain the affections of their subjects—and ought to return for answer to their request, that interference with refugees in this country will never be submitted to by the people of England. No, we want none of their Radetskys here. Therefore, I wish to ask Her Majesty's Ministers whether they think it worth while to pursue this prosecution any further against Mr. Hale? Mr. Hale, no doubt—in fact I am sure he would admit it if he were present—has been guilty, under the Act of 1697, of making fireworks; I want to ask the noble Lord whether it is worth while, having, it may be said, failed almost in the first prosecution at Bow-street — though penalties amounting to *5l.* 14*s.* were recovered, half going to the Crown, and half to the informer—to carry these proceedings any further; and whether it is the intention of Her Majesty's Ministers to proceed against any foreign persons whatever, or against any other native-born subject of the Queen? These questions I hope the noble Lord will answer. I shall be glad to hear that he has abandoned this prosecution, and that he thought that the law has been sufficiently vindicated by the proceedings which have been already taken.

Viscount PALMERSTON: Sir, my hon. Friend has treated this matter with his usual mixture of jocularity and argument, and certainly, if there was any Statute which touched moral squibs and crackers, I think my hon. Friend would come under its operation. Now, Sir, my hon. Friend charges me with being the organ and instrument of foreign Powers for the purpose of exercising a watch over persons in this country, and in support of that accusation he quotes passages which he has found from foreign newspapers as well as newspapers in England. Now, I beg, in the first place, to disclaim any responsibility as to anything that may be said of me in any newspaper, either British or foreign. If my hon. Friend had had his attention directed as much as mine has happened to be from time to time to passages in foreign newspapers, in which my name is mentioned, I think he would have found that the weight of accusation and calumny was very much of a different kind from that which he has quoted. I was told the other day that in the seizures which have been made in Italy there were a set of daggers found of English manufacture, and that the authorities were indignant and incensed at the detestable and diabolical conduct of the man who had been Minister for Foreign Affairs in England, for that on those very daggers his name was inscribed—"For," said they, "here on these very daggers is 'Palmer and Son!'" "What a detestable and diabolical Revolutionist this man is," said they, "who sends daggers here with his own name upon them!" But my hon. Friend has indulged in a great deal of humour in regard to the prosecutions which I felt it my duty to institute. I do not —I never have in the least disguised the grounds upon which I thought it my duty to institute a prosecution. It was not because Mr. Hale had 57 lbs. of gunpowder in his possession, or was making rockets for an ordinary purpose; but when I was informed that here was a great collection of warlike materials, accumulating in an out-of-the-way place, under circumstances of secrecy, and connected with other circumstances which tended to show that there was a purpose, the object of which was beyond the limits of this country, and not connected with the ordinary and legitimate interests of commerce, I felt it my duty to inquire whether these proceedings were or were not contrary to law. I was informed that they were contrary to law; and I think I should have been very much neglecting my duty in the office which I have the honour to hold, if I had not taken such steps as the law appeared to authorise for the purpose of putting a stop to those proceedings. I hold that in doing so I consulted the honour and dignity of the country. I have, and my Colleagues—not only the Members of this Government, but of the late and of all Governments—have declared repeatedly in Parliament that while, on the one hand, foreigners when they took refuge in this country were entitled to every possible protection which the laws of this land of freedom could afford them; on the other hand, it was the duty of any Government, and the policy of any Government, to prevent any foreigners from being concerned in any proceedings which might threaten the tranquillity of foreign States. Without entering into particulars beyond what has already appeared, I thought it my duty to do what I have done in regard to the case now under discussion. My hon. Friend has made merry about the question, whether this substance which was found at Rotherhithe was gunpowder or not. That question having been decided by legal authority, I may be permitted to say that I never heard such a quibble as that the subject in question was not gunpowder; in my opinion that was a miserable quibble; and I think the magistrate was perfectly right, and showed his good sense in his decision. Then with regard to the rockets, my hon. Friend asked me whether there was any intention to continue that prosecution. Now, I have no hesitation in saying that we have no desire to press hardly in any way whatever upon Mr. Hale, and I have no hesitation in saying, in answer to the last interrogatory of my hon. Friend, that the evidence which we have, and which has been already stated in open court, does not bear out or justify any proceedings against any other person, British or foreign, except Mr. Hale. But with regard to Mr. Hale, let the House remember how the matter stands. The Act upon which Mr. Hale was proceeded against prohibits any person from making, or using, or selling rockets, unless they have the directions of the Ordnance, with the exception always of the Artillery Company, or the Militia, who are permitted to make and use rockets in the exercise and practice of arms. The Act gives two methods of proceeding—the one by summary conviction before a magistrate, the other by trial upon indictment before a court and jury. We adopted the first course as the simplest and the shortest, and the least troublesome to any of the parties concerned. The case was opened: the evidence against Mr. Hale was stated; but the magistrate then stopped the proceedings, and said he thought the case ought to be referred to another court, where it should be tried by a jury. Now, I hold, that upon general principles it is a very undesirable and a very bad precedent for any Government to commence proceedings against parties, and to stop them before they come to trial. It is a great instrument of oppression; it is liable to great abuse. You may begin proceedings, without any justifiable cause, for the purpose of annoyance and trouble to individuals; and then, in order to avoid discomfiture, stop the proceedings and give the party no opportunity of stating their defence. I am now speaking upon general principles. The party against whom you acted in that manner would have a right to proceed against the Government for a malicious prosecution; he would have a case for a remedy for an evil sustained by him. But, if that be so, generally speaking, and upon abstract principles, I think the case is much stronger against the Government in the present instance; because hear what would be said? "The Government began proceedings before a magistrate with summary jurisdiction; they were stopped when their case had been stated against the defendant, and when he had no opportunity of saying anything in his defence, no opportunity of shaking the witnesses' evidence, or of proving that there were not grounds for the prosecution, and the case is sent to a jury; and what does the Government do when it is sent to a jury? Why, they are afraid of bringing the case before a jury, and they retire from the proceedings, and, satisfied that the case would not bear sifting before a jury, they drop the proceedings and deprive the individual of that redress which his character would gain by a trial before a jury." I am therefore advised that it would not be fitting, as a general precedent, or in regard to the particular case, that the proceedings should be stopped, feeling that the judgment of a competent court should be obtained upon the law of the case. At the same time I have no hesitation in saying that nothing is further from the wishes of the Government than to press hardly upon Mr. Hale. We shall be perfectly satisfied with having the decision of the law; and that decision having been taken, Mr. Hale will not, I trust, suffer in any degree from the case having been pressed unduly against him.

MR. T. DUNCOMBE said, he thought the noble Lord seemed to suppose that he (Mr. Duncombe) charged him with being the tool and instrument of Austria. He wished to explain that he did no such thing; he merely quoted the words of the *Times*. He had always understood that to the noble Lord M. Kossuth was indebted for his life and his liberty, and his escape from the East altogether; and he believed that impression was not an erroneous one. [*A cry of* "Spoke!"] He wished to ask one other question—whether it was to be understood that this prosecution now was conducted for the benefit of Mr. Hale? It really came to that; and he thought he might say, on the part of Mr. Hale, that he would not consider it to be for his benefit.

Lord DUDLEY STUART said, he had heard with a great deal of pleasure what had fallen from the noble Lord the Secretary of State. He understood the noble Lord to have stated to the House, and through the House to the world at large, that there was no evidence whatsoever implicating any person except Mr. Hale, who was under prosecution; and therefore it followed that all the statements that had been made to implicate M. Kossuth in this proceeding, as if he had been abusing the hospitality of this country by entering into unlawful conspiracies, and attempting or preparing to levy war with some country with which we were in amity, turned out to be baseless fabrications and unfounded calumnies. The public had been told—the statement went forth all over the world—and we knew, when a statement went forth, how difficult it was to contradict it, and make the contradiction reach all those quarters where the calumny had proceeded—that large stores of ammunition, and of some kind of weapons of war, had been discovered in a house in the occupation of M. Kossuth, and the whole world was called upon to execrate a man who, after having received the hospitality of this country—after being delivered from the dangers to which he had been exposed mainly by the interposition of the Government of this country, could so disgrace himself. It turned out now that all this was altogether an imagination—a vile imagination of some persons animated with some rancour against M. Kossuth, and who had always shown themselves to be in the interest of Austria and of Russia, and to have persecuted this man by all the means in their power, in consequence of his opposition to those Governments, in bravely and nobly defending the constitution of his country. There was nothing omitted that could be said to held him up to the reprehension and to the execration of the public; and instead of waiting, under the supposition that his conduct, whatever it was, was to form the subject of some judicial proceeding, which was usual in such cases—instead of waiting to see what the verdict might be after these judicial proceedings—those persons hastened in their malignant spite to condemn him unheard, and, in order to hold him up to detestation, they assumed at once that he was guilty, and, referring to a place where, not long ago, that illustrious individual was welcomed on his release from captivity—referring to what might be called the heart and the centre of the city of London—namely, that room where the municipal body of the City of London assembled, they took care to point out that Guildhall was not far from the Old Bailey. He (Lord D. Stuart) did not know—he was not speaking from anything within his own knowledge—but he could not help saying that he should not much wonder if, after the statement the House had heard, completely exculpating M. Kossuth from those vile accusations, there should be some occurrences of such a nature as in the end to demonstrate that, if Guildhall was not far from the Old Bailey, there was another place, called Printing House Square, which was still nearer to it. He did not know how that might be; he should not be much surprised if such were to be the case. But he had only risen to point the attention of the House to the effect of the declaration of the noble Lord which they had just heard. He thought that declaration did him honour. He was very glad to find that the Government were not concerned in those proceedings which had been attributed to them; for he thought it would have been a most melancholy spectacle on the part of the noble Lord, of whom it had been said, and, as he thought truly, that he had been the main cause—if not of saving the life of the illustrious man to whom allusion had been made, and many of his companions, the patriots who strove with him—at any rate of his being delivered from captivity, and now enjoying liberty. He (Lord D. Stuart) believed that it had been the Government of this country, represented by the noble Lord then at the head of the Foreign Office, that obtained the release of M. Kossuth and his companions from Kutayah. He knew there was another Government that claimed credit in this regard — the Government of the United States; and he rendered full justice to the noble feeling with which the American nation and Government were animated on that occasion. He did not forget that they sent a frigate to convey the patriots to a land of liberty; but, while he gave the Americans credit for good intentions, they might have carried on what negotiations they pleased, yet, had it not been for the noble Lord at the head of the Foreign Office, those noble patriots would have been still detained in Kutayah; and it was a melancholy thing to see that the noble Lord, after the glorious course he had taken for procuring their release, should have treated them worse than the Turkish Government had ever treated them. They were detained by the Turkish Government in compliance with the wishes of the Emperors of Austria and Russia. But the Sultan watched the patriots openly; he did not do so of his own free will, but in compliance with the demands of very powerful neighbours. When they went out to take exercise they were followed by soldiers on horseback, or on foot. They were tracked by no spies, and were pursued by no men who, pretending to be hired servants, were police. That was a nobler course than to tell them they enjoyed all the rights and privileges of the subjects of this country, and all the protection which the British law could afford, but, at the same time, to have their footsteps tracked by persons in disguise. He thanked the noble Lord for his declaration, and if he regretted anything it was that the noble Lord had not taken an earlier opportunity of making that declaration.

Mr. BRIGHT: Sir, it would appear from the noble Lord's statement that in the very undignified attempt in which he had been engaged to discover a mare's nest, he has signally failed. The agitation of foreign Governments on finding "Palmer and Son," inscribed on the daggers, must have been somewhat akin to the feeling of the noble Lord when he discovered this gunpowder plot. I agree with the hon. Member for Finsbury (Mr. T. Duncombe) as to the extreme paltriness —I should say shabbiness—which has characterised the whole of this prosecution against Mr. Hale; but that the case as regards M. Kossuth is not of the same character, and cannot be so regarded by this House. In the one case it was a mischievous police business, which turns out to be nothing; and though it has occasioned all this temporary annoyance and expense to Mr. Hale, for which I am sorry, it is altogether of a different character to that which has induced me on one or two former occasions to advert to this subject. The noble Lord now says that he has no evidence on which to found any charge against any person except Mr. Hale; and as to that transaction, he intimates he would be glad to get out of the mess he has been led into, but that he thinks it would not be dignified for the Government, after commencing a prosecution, to abandon it. But with regard to the other case, the noble Lord knows perfectly well the mischievous effect which the explicit and unmistakeable language in the *Times* newspaper, and the statement he himself made in this House on a previous evening, was calculated to produce. I do not charge the noble Lord with having brought an accusation on the statement in the *Times;* but the noble Lord has on each occasion, when the subject was brought forward here, studiously avoided saying anything that could be quoted as clearing the character of M. Kossuth, and has left the statements in the *Times* to have their effect on the world, even when he had the power in this House to have cleared the character of M. Kossuth, if, as I believe, he had then all the knowledge he has now. The *Times* has been referred to, as it necessarily must be, in speaking of this transaction, and I will venture to make an observation on the *Times.* The *Times* newspaper is a great power in a mask—we do not see the person who writes the articles—there is not a man in England calling himself a gentleman who would dare to have put his signature to the article which has been referred to. There is a Gentleman—an hon. Member of this House—he is not present, I dare say; but if he were, I would say what I am about to say now—that he durst not—I am speaking of a Gentleman intimately connected with the paper—that he durst not put his signature to the article in which these charges were conveyed against M. Kossuth. And I can tell the *Times* that it was precisely conduct like this by which scandalous and lying charges were brought against honourable men, that the press of France lost all character with the French people, and that induced the people of Paris during the republic to look with disregard—almost with pleasure—when, one after the other, the newspapers were brought under penalties of the law, and which induced them to look on without discontent when newspaper writers were compelled to attach their signatures to every article they wrote, and when at length three-fourths of the newspapers were suppressed. Now, in the *Times* of this morning—I am not particularly thin-skinned, and I refer to the matter only as an illustration of the kind of abuse in which it indulges—the *Times* newspaper, of this morning, says, that I had the honesty not to appear with the deputation before Lord Clarendon yesterday, in reference to the proposed introduction of the arbitration clause into the treaty with the United States, it being known that the United States' Government are anxious for such a clause. They say it is well I had the honesty not to go there, for I had recently been defending the manufacture of war rockets and warlike stores. Now it is not necessary for me to clear myself; but if Mr.—I won't name him, I don't know that I know him, but the person who wrote this article—I say, if he came before the public, if he be a man calling himself a gentleman, and walked about the streets, do you think he would ever have dared to write that article? ["No!"] Then, I say, it is cowardly that such statements should be made; and it is doubly infamous, when they are made for the purpose of undermining and destroying the character of a man sufficiently under misfortune, an exile from his country, trusted by millions of his countrymen, who are yet buoyed up with the hope that he will be one day able to do something for the deliverance of his country. I say, it is doubly infamous for any organ of the press to attack a man in this way, and thus to attempt to destroy his character, his reputation, and his influence. The noble Lord has admitted there is no charge against M. Kossuth—[Viscount PALMERSTON: Or any other person]—or any other person, except Mr. Hale. The noble Lord stated the other night, that as long as he had been connected with the Home Office, some four months, the practice of opening letters had not been resorted to; thus far was satisfactory. But another point had been adverted to, that was the system of espionage. On the 7th of February, 1850, the noble Lord, in speaking of the detention of the Hungarians in Turkey, said—

> "The Turkish Government undertook to remove the Hungarians—not to put them in prison, as my noble Friend has stated—but to remove them to a distance from the Austrian territories, and there detain them under that description of observation of which, happily, no English word conveys the meaning—under *surveillance* for a certain limited time."—[3 *Hansard*, cviii. 499.]

What I want to know of the noble Lord now is this, and if he will give the same answer as he has given on the other matter, I hope never to have the occasion to trouble him on this subject again. What I want to know is, is it true that some policeman, or some person acting as a policeman, had charge to watch M. Kossuth, and report on whatsoever they might observe about M. Kossuth's house? I want to ask the noble Lord whether that be so, and if so, whether this has been done by the authority of the Home Office, and whether the expense of this police espionage is defrayed by the State, or out of any metropolitan rate, or by the Austrian Government, or by the Austrian embassy? What I desire is, that the noble Lord should clear the matter up. I believe these proceedings are entirely without justification, and what has been stated in the papers lately is creating an unpleasant feeling in the public mind in regard to the Government, which it would be well to remove. The feeling of the public caused by these proceedings is, that the Government is not open and above board, as it was supposed they were, and that with all our boasts of freedom, and the hospitality we profess to afford, we are doing here precisely what is done in many parts of the Continent of Europe.

MR. OTWAY said, he regretted that the noble Lord (Viscount Palmerston) had not, when the subject was brought under discussion before, taken the same course he had to-night, instead of attempting to justify the proceedings of the police in setting spies on the movements of M. Kossuth, and twitting the hon. Member for Manchester (Mr. Bright) for not knowing that it was the duty of the Home Secretary to take the steps complained of in regard to foreign refugees. [Viscount PALMERSTON: No, no!] He had certainly understood the noble Lord to say that if not only any foreigner, but any Englishman, was suspected of being engaged in practices hostile to any foreign country with which we were on terms of amity, the police were justified in dogging his footsteps, and setting spies on all his actions. That was not always the opinion of the noble Lord, for it was not very long since the noble Lord received a deputation from Islington, and the answer he gave excited so much ill-feeling on the part of his Colleagues, that he was obliged to retire from the Cabinet; and for the noble Lord now to turn round, and speak of M. Kossuth and the other refugees in the tone he did the other day, was what could scarcely have been expected by those who had been led by the noble Lord's previous conduct to respect him and his policy. It might be satisfactory to the House if the hon. and learned Attorney General would enlighten them as to whether such proceedings as had taken place in M. Kossuth's case really were in accordance with the constitution of the country.

Viscount PALMERSTON: Sir, the hon. Member has really misunderstood what I said on a former evening. My observations the other evening applied to what I conceived to be the endeavour of the hon. Member for Manchester (Mr. Bright) to extort from me an opinion as to the possible or probable results of the proceedings at law then in progress. I considered him to ask what would be the effect on M. Kossuth of the proceedings then going on; and I stated that it would be very unconstitutional to give an opinion on that subject. With regard to whether our police is paid by the Austrian or the English Government, I am afraid that, whatever burden the police may cause, it is one which will have to be borne by the finances of this country alone. First of all, the hon. Member for Manchester states that I have on a former occasion said that surveillance is a thing from which we have altogether escaped, and that it is entirely unknown to this country. Now, a state of surveillance is this—an individual is not allowed to go beyond certain limits, and he is watched by competent authorities to prevent him from doing so. Undoubtedly, it is one of the duties of the police to ascertain whether the laws are infringed; and if they have reason to believe that any individual is engaged in a proceeding contrary to law, it is the duty of the police to take such measures as may be fitting and proper for the purpose of preventing a violation of the law. If the police have reason to believe that M. Kossuth or anybody else was engaged in a proceeding contrary to law, the police were bound to use such proper measeres as might be necessary to ascertain whether or not there was any ground for the suspicions which they entertained.

Mr. BRIGHT: I want to repeat my question. The noble Lord has merely told us what everybody knows. Now, I want to ask the noble Lord this question: has he, in his office, or has he, by directions through his office, caused any police magistrate or commissioner to give any special directions that policemen shall watch the house and proceedings of M. Kossuth in this metropolis?

Viscount PALMERSTON: I have given no special directions with regard to M. Kossuth; but it is the general duty of the police, if they have any suspicion about any person, as they probably had in this case, to ascertain the facts upon which a charge may be substantiated, or may be otherwise disposed of.

Mr. COBDEN then rose to address some further question to the Home Secretary, but

Mr. SPEAKER said, that the noble Lord the Member for Tiverton had already spoken twice, and was not entitled to speak again on this question.

Mr. COBDEN: I suppose, Sir, you are the authority without appeal on all points of order; but if it be the rule of this House that the Minister for the Home Department can only be allowed to answer one question on such an occasion and on such a subject as we have been discussing, I think it would be well to consider whether it might not be well to relax it in order to promote the despatch of business. If, however, the noble Lord the Home Secretary cannot answer the question I wish to put, probably the noble Lord the Member for the City of London (Lord John Russell) can. I wish to impress upon the House that we are not here dealing with the ordinary case of an ordinary person. We are dealing with the case of the ex-Governor of Hungary—a man who was long engaged in maintaining in his own country the legality of the constitution of that country, and he was supported by the whole body, not of the poorer classes merely, but of the whole of the aristrocracy of that country. I say that when such a man comes to this country, having held that distinguished post of honour, his case is not that of an ordinary refugee, but it is that of a man placed under the safeguard of this country, the incidents of whose life are minutely watched by the world, and will be as minutely recorded in the history of the times; and as he is treated by us, will honour or discredit attach to us in reference to him. I have little personal knowledge of M. Kossuth; but when I first read of this matter, and when I first read the statement in the *Times*, I thought it my duty to call on M. Kossuth, and ask him if there was any foundation for that statement; and he gave me his word, as a man of honour, that he had no more concern with the transactions referred to by the writer in that paper, than had the Speaker of the House of Commons. It was true, he said, he had recommended a foreign refugee (one who had not done him much credit) to Mr. Hale for employment, but he had no connexion with Mr. Hale, or with the manufacture carried on by him. He was invited to call on Mr. Hale to go over his factory, as I might have been, and as I have been invited to go over Mr. Warner or Colt's factory; and I might as well be charged with being connected with Colonel Colt on that ground, as M. Kossuth was charged with being connected with Mr. Hale. And with regard to recommending a man for employment, M. Kossuth has numerous unfortunate refugees constantly calling upon him to aid them in obtaining employment; and I am speaking within the mark when I say I have had at least a dozen applications from M. Kossuth to assist his countrymen in that way; and I have no doubt my noble Friend (Lord D. Stuart) could speak much more on this subject. This is the whole basis of the charge. Some prying individual found that a Hungarian was working at Mr. Hale's, and because M. Kossuth recommended him, he connected that gentleman with the rocket manufacture carried on by Mr. Hale, for the purpose of making war in Hungary on the Austrian Government. Now, I think it would not have been below the dignity of the Home Secretary, if he had given the opportunity to M. Kossuth to clear himself. I do not think the ex-Governor of Hungary so far below the dignity of the Home Secretary of England as to make such a course impossible. And if the noble Lord had done so—if, instead of sending policemen to watch M. Kossuth's house and dog him about, he had taken means to allow that gentleman to explain, and if the noble Lord had thus obtained, as he would have done, M. Kossuth's word of honour that he had no connexion with anything of the kind charged against him, that would have been sufficient—for I apprehend M. Kossuth is as much entitled to credence as any member of the Orleans family visiting our Court. I make no distinctions, and as regards M. Kossuth I think he is as much entitled to respect and honour as any member of the Orleans family, who are habitually received at Windsor. I make no complaint of the hospitality that is shown to the Orleans family; but I say that it would be disgraceful to any man in this country, and more especially to any Member of this House, if he did not vindicate the right to hospitality of this country, on behalf of those who carry with them the goodwill of the mass of their own countrymen, which is the case with M. Kossuth; and if any one is allowed to dog the steps of illustrious refugees, and it is found out, we are bound to visit it with our reprobation, and public opinion will do the same. I have seen M. Kossuth, and have advised with him. I told him—"You live under the same law as I do, but if you ask me what the law of England is, I cannot tell you, for at any moment some old law may be exhumed for a particular occasion, as has been done now;" and I advised him to put himself under the guidance of some shrewd able lawyer. He said that if he knew what the law was, he would take care not to violate it. I believe he has far too much regard to his own name and fame, and far too much respect for those who have not hesitated to come forward and associate themselves with him in this matter, to be caught violating the law of the country, for which he has too much respect. The question I want to put to the noble Lord is, whether any communication has been made to the magistrates, or the police authorities, with reference to any proceedings for watching the house of M. Louis Kossuth?

Lord JOHN RUSSELL: Sir, before I answer the question which the hon. Gentleman has just put, I must advert to the former part of his speech, because it is certainly of importance that we should have some clear and distinct notion of what is the policy of this country in respect to M. Kossuth and to other refugees. I quite agree with what the hon. Gentleman has said—namely, that we ought to observe the same rule with regard to all refugees, without reference to their station, their rank, or their political opinions. I care little for that: they may be princes of high lineage, holding the most extreme doctrines of absolute monarchy, or they may be persons of the most lowly condition, entertaining the most ultra-republican notions. I care not what their opinions may be—I think the rule should be the same for all. But what should be that rule? It is not so very clear, in regard, at least, to its general principle. It is founded, in the first place, upon the law of England; and, in the next place, it is incorporated with the great international code of the law of nations. The law of England, as we all know, allows any of these persons—any of these refugees, whatever may be the cause in which they have suffered—whatever may be the power by which they may have been proscribed—to come here and live undisturbed in this country. That is the general law of England. According to this law, persons of various ranks and of various opinions have, within the last few years, sought refuge in this country. I think that to be an honourable distinction to be borne by England—a distinction not owing to any particular Government, but owing solely to the ancient laws of this country. It is an honourable distinction that persons exiled from their own countries can find a refuge and an asylum here. Never shall I be a party to make any alteration in that law. But, Sir, if this refuge and asylum be due to unfortunate exiles on the one side, I think it can as little be questioned, on the other, that the refugees thus received—thus enjoying the hospitality of this country—thus sheltered under the ægis of our laws—so long as they shall live quietly and peaceably among us, ought not to abuse that hospitality by making preparations for declaring war against any State, be it a monarchy or be it a republic, which is at peace and in alliance with this country. Now, it is said with regard to this person—this illustrious person, I am willing to admit—M. Kossuth has been Governor of Hungary, and that he endeadeavoured to restore and maintain the ancient constitution of that country. I do not now wish to enter into an argument upon that subject; but it will be admitted that there are two opinions upon that question. There are some who think M. Kossuth fought on behalf and in support of the liberties of his country—that he did everything that a patriot ought to do to maintain the ancient constitution of Hungary. But there are others who believe that he fought not for the cause of liberty, or for the welfare of his country, but for the furtherance of a selfish ambition; and that in the pursuit of that ambition, he, by acts of imprudence and indiscretion, so changed the laws and constitution of his country as to bring those laws and that constitution into collision with the monarchical power reigning over it, till, in the end, he brought ruin and destruction upon it. There thus prevail these two different opinions; but M. Kossuth comes to this country, and obtains a refuge. He does not merely come here like a person who is totally unknown to us, but he comes here in possession of his personal liberty, he having obtained that liberty, in a great degree, by the exertions of my noble Friend near me. When my noble Friend (Viscount Palmerston) was Secretary of State for Foreign Affairs, he (speaking in the name of the Government of the Queen of England), in the first place urged Turkey to persevere in affording to M. Kossuth that hospitality which she, greatly to her honour, had already given to him. In the next place, my noble Friend offered to support Turkey, even with the arms of this country, in the event of her being attacked by any other Power in consequence of affording M. Kossuth that protection; and, finally, he urged Turkey, not only to change the place of confinement in which M. Kossuth was kept, but to release him, and allow him to come, undisturbed, to this country. I say, therefore, that such a man was bound, not merely by the general law of nations, to respect the laws of this country whose hospitality he was receiving, and under whose protection he was living, but that, by the peculiar obligations of gratitude to the Government which had interposed with such generous feeling on his behalf, he was bound scrupulously to respect the laws of this country, and not seek to involve us in any cause of quarrel which he might have with any of those nations with whom we are on terms of amity and peace. The hon. Member for the West Riding (Mr. Cobden) has said that M. Kossuth has scrupulously obeyed the laws which he found in force in this country; and that he has lived here without giving any cause of offence to those who have to administer those laws. Sir, the hon. Gentleman, no doubt, is well persuaded in his belief; and the fact may be as he has stated it; at the same time I cannot wonder that there have been suspicions aroused of a contrary tendency; because we must recollect that it is but lately that we have seen in that very newspaper to which the hon. Gentleman has referred, a letter addressed, or rather a proclamation addressed, to the subjects of a foreign Sovereign, urging them to rise against their Emperor, and calling upon the army to desert their colours, and engage in hostilities of the most deadly kind against their Sovereign. When that proclamation was published, in connexion with the insurrection of Milan, it was stated on behalf of M. Kossuth that he certainly had not authorised the publication of that paper—not authorised that exhortation to the people—because many changes had been made in it; but that he had given into the hands of another while at Kutayah a paper of the like nature—proclaiming the duty of insurrection to the subjects of the Emperor of Austria. That was in any case, I maintain, a most imprudent thing to do; but it was a most unjustifiable act on the part of a man who was residing quietly in a foreign country to send forth a paper which might be used for such a purpose. But we have seen more recently a letter written by M. Kossuth, in which he repeats that his object is to carry on war against a Sovereign of Europe—a Sovereign whose tyranny he denounces, and against whose rule he protests—that Sovereign being in amity with this country. There we have the open avowal by M. Kossuth of the fact that several persons connected with him are employed in a manufactory, which manufactory is for the purposes of war. I must say that I do not think it unnatural that persons employed in the police of this country should, under such circumstances, conceive a suspicion that there was contemplated an attempt to levy war against the Sovereign who had been so strongly denounced. With regard to the question which has been asked by the hon. Gentleman (Mr. Cobden), all I have to state is, that the Commissioners of Police, from time to time, make reports to the Secretary of State for the Home Department, with regard to such proceedings, whether affecting M. Kossuth or other persons, as may induce them to believe that some crime is meant. I do not think I need say more than this, because my noble Friend (Visct. Palmerston) has already stated that there is no evidence by which we can bring any indictment against any other person than Mr. Hale. But I shall always maintain that, while, on the one hand, we are bound to give hospitality to these persons; on the other hand, we are bound by every obligation to foreign States not to allow, but if possible to prevent, persons who are residing in this country from promoting that which has been declared by my right hon. Friend (Sir G. Grey) when Home Secretary, to be a crime according to the laws of the land. Such persons, while residing here, have no right to levy war against any Sovereign who is in alliance with this country. I have one word to say with regard to the allegation which has been made, that all these proceedings have taken place in consequence of some application on the part of the Government of Austria. I will state, in general terms, that the communications by Austria to the Government of this country have not been in the nature of anything like a demand, or an application, or a specific requirement. On the contrary, the Government of Austria have repeatedly declared that they have nothing to ask from the Government of this country, and they ask nothing; therefore they leave it to be understood that there is no demand of any sort to be made. At the same time they have stated that they did feel themselves aggrieved by proceedings which have been carried on in this country. But they observed that it was for the Government of England to act; that they had great reliance on the goodwill of that Government, and should therefore leave it to them to take measures or not, as they should think fit. It was not unnatural, an insurrection having occurred that the Austrian Government should say, "Our Government is disturbed; it is liable to be affected in various quarters; sometimes even in connexion with States where hostility is little to be suspected; that very often attempts of a certain hostile nature are found to be connected with persons who are known to be seeking to overthrow the Government of our country; and we know that many of those who are carrying on these proceedings are residents in England, and yet are allowed to carry them on undisturbed." Now, although I do not think these complaints on the part of the Government of Austria are justified, at the same time I deem it to be the bounden duty of the Government of this country, while saying to Austria—"We will not change our laws; we will permit all these persons to come to this country and live undisturbed;" also to say, that so long as these persons live in this country the laws of the country must be by them obeyed, and that the great national relations which exist between England and the States of Europe shall not by them be violated or disturbed.

SIR JOSHUA WALMSLEY said, he rejoiced that the noble Lord the Secretary for the Home Department had stated, and that the noble Lord the Member for the City of London had confirmed that statement, that there was no accusation against the illustrious exile in question. But the noble Lord had made another statement, blaming M. Kossuth for a proclamation which he had issued in this country. So far from that being the case, that proclamation was written at Kutayah, and not in this country, and therefore so far M. Kossuth was free from the accusation of the noble Lord. But the most serious part of this matter—and the question which had been put with regard to it had not been answered yet—namely, the employment of spies as had been said to dog the footsteps, not only of this illustrious exile, but of all persons who called on him or inquired after him. The question did not even rest there, for if the statements which had been made were to be believed, persons were sent into the house of M. Kossuth to assist in removing his goods and to spy what they could find out. They must have been sent by some one—Who was that person? If they were not sent by the noble Lord, they must have been sent by the Police. This was a matter that ought to be inquired into; and if no one else would do so, he (Sir J. Walmsley) would move for a Committee of Inquiry, in order to ascertain whether it was the practice of the police to watch the houses of any person without any justification for doing so. The Government would have done much better to have abandoned the charge against Mr. Hale, and not have revived an obsolete law against a poor man who had been ruined by what had taken place. The best thing to be done was to drop all further proceedings; for he believed it was the duty of the Government to abandon the proceedings against Mr. Hale under a law which was passed a hundred years ago.

Subject dropped.

THE BUDGET—WAYS AND MEANS—THE INCOME TAX.

The House went into Committee of Ways and Means.

Question again proposed—

"That it is the opinion of this Committee, that, towards raising the Supply granted to Her Majesty, there shall be raised annually during the terms hereinafter limited, the several Rates and Duties following (that is to say):—

"For and in respect of the property in any lands, tenements, or hereditaments, in the United Kingdom, and for and in respect of every annuity, pension, or stipend, payable by Her Majesty or out of the Public Revenue of the United Kingdom; and for and in respect of all interest of money, annuities, dividends, and shares of annuities payable to any person or persons, bodies politic or corporate, companies or societies, whether corporate or not corporate; and for and in respect of the annual profits or gains arising or accruing to any person or persons whatever, resident in the United Kingdom, from any kind of property whatever, whether situate in the United Kingdom or elsewhere, or from any annuities, allowances, or stipends, or from any profession, trade, or vocation, whether the same shall be respectively exercised in the United Kingdom or elsewhere; and for and in respect of the annual profits or gains arising or accruing to any person or persons not resident within the United Kingdom from any property whatever in the United Kingdom, or from any trade, profession, or vocation, exercised in the United Kingdom; for every twenty shillings of the annual value or amount thereof—

For two years from April 5, 1853 .	£0	0	7
And for two years from April 5, 1855	0	0	6
And for three years from April 5, 1857	0	0	5

"And that on April 5, 1860, except as to the collection of monies then due, the said Rates and Duties shall cease and determine.

"And for and in respect of the occupation of such lands, tenements, or hereditaments (other than a dwelling-house occupied by a tenant distinct from a farm of lands), for every twenty shillings of the annual value thereof, one moiety of each of the said sums of 7*d.*, 6*d.*, and 5*d.*, for the above-named times respectively."

Mr. LAWLESS moved by way of Amendment, that the words "Great Britain" be substituted for "United Kingdom," with the view of exempting Ireland from the income tax. He regarded many parts of the Budget of the right hon. Gentleman as perfectly unobjectionable, and particularly the extension of the probate duty to succession to real property. If therefore he were asked why he did not vote in the minority the other night on the Amendment of the hon. Baronet the Member for Herts (Sir E. Lytton Bulwer), he would reply that he was not only Member for Clonmel, but had an interest in the Budget, as a question for the kingdom at large, and regarded the principle of it as a step in the right direction. The present Chancellor of the Exchequer was the first who had had the courage to leap over the park-wall of the privileged classes, and place on their shoulders, in the shape of a legacy duty, a fair share of the burdens which they had hitherto escaped. He regarded the Amendment of the hon. Baronet as nothing more than an attempt to keep up those fences and park-walls, and to bring back the late Government to power, and he had therefore voted against it; but that vote would not prevent his resisting the extension of the income tax to Ireland, and, whatever might be the result, he would most certainly press his Motion to a division. He desired to prevent the late Government being restored to power for many reasons. First, he remembered that they were the first Government that had actually proposed to extend the income tax to funded property and salaries in Ireland—although certainly the form of the impost had been greatly mitigated in the proposal of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli)—and he understood that they would not have opposed the Motion of which the hon. Baronet (Sir B. Hall) gave notice when they were in power for the extension of the tax to all property whatsoever in that country. He therefore thought that if the Irish Members succeeded in ousting the present Government, they would not benefit Ireland so far as the income tax was concerned. This Motion would be a good test of their opinions on the subject. They all knew that at the last election every Liberal Irish Member felt himself bound to do his best to turn out the Government, which by their inflammatory placards, had raised the disturbances at Stockport, which were used as a war cry during the Irish elections. He trusted such scenes as occurred at Six-mile Bridge and elsewhere, in consequence, would never be seen again. But if they were to form alliance with the Members of that Government, after they had done all they could to put them out of power, and prevent their exciting agitation and religious discord in Ireland, the most simple peasant would be puzzled what to think of his representatives, or to explain the conduct of those who professed to be the leaders of public opinion in Ireland. Not very long ago an hon. Gentleman, who from his hereditary descent could not be otherwise than a patriotic man and a friend to Ireland—he meant Mr. H. Grattan—was turned out of his seat for Meath for having voted for the Arms Act, under the administration of the Earl of Clarendon; and yet the present Member for Meath, his successor, was moving heaven and earth at present to restore to power a Government whose constant pastime had been to give Ireland Coercion Bills, and who, when last in power, had threatened the priests, who were really the best guardians of the public peace. There were three acts by which the late Government were constantly irritating the Irish people, and which showed that they did not understand the spirit in which a Catholic people ought to be legislated for. These points were the inquiry into Maynooth, which they encouraged; the inspection of convents, which their followers insisted on; and the prosecution of the priests, as at Six-mile Bridge. [*Cries of* "Question!"] He was coming to the question. He wished to show why he could not join in voting for an Amendment, the object of which was to turn out the Government, and restore to power an Administration that would not do justice to the feelings of the country, or legislate for Ireland in a spirit that a Catholic country should be legislated for. He did not vote for the Amendment of the hon. Baronet, because he was opposed to the object its supporters had in view; but it did not follow that he accepted the propositions of the Budget. On the contrary, with regard to the extension of the income tax to Ireland, there was evidence enough to show that a great part of the country was in such a state of distress that it was not able to bear any further load of taxation. He did not wish to exempt any class able to meet taxation, nor would he say but that in Ulster and parts of the south they were able to pay taxes as well as in many parts of England; but he contended that the country was only in a state of convalescence, and not able to undergo such a heavy infliction so soon after the sufferings of the famine. It was said, he knew, that Ireland did not pay a fair share of the national burdens, because she did not pay the assessed taxes. But it was proved by a return which had been moved for by the hon. Member for the University of Dublin, that while the poor-rates, county rates, and similar taxes in England amounted to 2*s.* 4¼*d.* in the pound, in Ireland the same taxes amounted to 3*s.* 7½*d.* in the pound, being a difference of 1*s.* 3*d.* against Ireland as compared with England. Even in England an income tax when brought to bear upon small trades was a most unadvisable measure, and in resisting its application to Ireland he had no object but to avert the tax from those in that country who would be crushed by this addition to a burden which they at present could hardly bear. He admitted that Belfast and some other towns were as able to pay the tax as any part of England; but that was by no means true of the greater portion of the island, and he was sure that in the south and west it would not only retard the slowly advancing prosperity, but it would possibly throw them back, and would give an additional spur to the emigration which was now going on, and which ought to frighten any Government that looked to the welfare of the people. In the south and west of Ireland the emigration was of the most mischievous kind, for it consisted for the most part of artisans and traders; and if the tax was laid upon all who possessed an income of 100*l.* a year, it would give a considerable additional spur to their emigration. He trusted, therefore, that the Government would think it worth their while to listen to him, or to those Irish Members who might follow him, and who were abler than he was to explain the condition of the people. His only object was to do as much good to Ireland as he could. He approved of all the rest of the Budget except this portion. If the tax were to be imposed upon Ireland, he thought it ought to be done wisely, mildly, and by degrees. He had no doubt the time would come when Ireland would be able to bear the tax; all he said was that that time had not come yet, and he would therefore move his Amendment, that the words "Great Britain" be introduced into the Resolution instead of the words "United Kingdom."

Amendment proposed—

"In line 6, to leave out the words 'United Kingdom,' in order to insert the words 'Great Britain,' instead thereof."

Question proposed, "That the words 'United Kingdom' stand part of the proposed Resolution."

COLONEL DUNNE said, he certainly was surprised at the course the hon. Gentleman had taken; for if his object was to prevent the infliction of the income tax on Ireland, he had unfortunately taken care to miss the only opportunity of carrying out his professed object by voting the other night in the majority, and had now taken a course in which he must be aware he could scarcely succeed. The result of the late division had been caused by those who, like the hon. Member, had voted against the conclusions to which their own reasoning led them. For his own part, he (Colonel Dunne) objected to the whole Budget, and should have voted against it, whether it had contained the income tax or not; but those who, like the hon. Member, only objected to the extension of the income tax to Ireland should surely have felt themselves especially bound to vote against the tax when the question was directly brought before them. Had all the Members connected with Ireland united together in opposition to the Government on that Motion, he was of opinion they would have beaten the Budget, and prevented its infliction upon their country. But now he thought the Motion of the hon. Gentleman was really futile, though of course if pressed to a division he should vote for it; but for his part he was inclined to walk out of the House without recording his vote at all, but that he knew his conduct would be exposed to misconstruction. People out of doors did not understand these manœuvres, and, therefore, if the hon. Gentleman divided the House, he would divide with him,

though he anticipated nothing from his Motion. With regard to the tax itself, he would not go into any argument now, because he had already placed on the books notice of his intention to move for a Committee on the financial relations of the two countries, when he hoped to be able to prove that Ireland was already taxed to its fair amount. That was a fair and a reasonable proposition. If they gave him his Committee, and if he did not prove his point, then he would allow them to tax Ireland as much as they pleased. As the right hon. Member for Oxfordshire (Mr. Henley) had said, the same tax imposed upon countries in a different position—on a rich country and a poor country—could not be considered as equal. The defenders of the Government had certainly appeared in a peculiar position. The hon. Member who had just sat down had made an admirable argument to prove that he ought to have voted against the Budget. The hon. Member for Carlow (Mr. J. Ball) had made a speech which he said he hoped would be "for the information and satisfaction of his constituents." It certainly might be for their "information," but scarcely could be for their "satisfaction." And the hon. Member for Cork (Mr. Serjeant Murphy) plainly said that in his opinion the retention of the present Government in office was well worth 250,000*l.* to Ireland. He did not believe that they were worth so much. The remission of the consolidated annuities had been pressed upon them as a reason for gratitude to the Government; but that remission had been recommended by a Committee of which Lord Derby was a member. The late Government had only proposed to lay the income tax on the Irish fundholder; not to lay it on the land. He (Colonel Dunne) would ask the hon. Member (Mr. Lawless), who appeared anxious to know why Irish Liberal Members voted against the Government—he would ask the hon. Member why he voted with them? With what section of the party opposite did the hon. Gentleman sympathise? Was it with the old Whigs? or the new Conservatives led by the right hon. Gentleman the Chancellor of the Exchequer? or their Radical allies with the right hon. Baronet the Chief Commissioner of Woods and Works at their head? The Irish Members who opposed the Budget of the present Government did so because they believed the Budget of the late Government was far better for Ireland. Indeed, there had never been anything worse for Ireland than the

Budget before the House. The Chancellor of the Exchequer was obliged to admit that the remission of the consolidated annuities was required by justice. Yet the right hon. Gentleman proposed to remit them only on an equivalent, though he had promised to deal with them apart from financial considerations. There was no gratitude due to the right hon. Gentleman, then, on that account. What he professed to remit with one hand, he reimposed with another. It would have been impossible to enforce the Labour Rate Act. It had been condemned by the Committee of the Lords. The annuities never could have been levied. Yet in remitting them the right hon. Gentleman imposed an equivalent in the shape of an additional taxation. But the truth was that the "equivalent" was unfair; the annuities at the end of seven years could only amount to 275,000*l.*, so that Ireland, after all, was only relieved from something above a quarter of a million a year. And then the fresh taxes imposed amounted to 900,000*l.* In truth, then, the Government were about to impose a million and a half of fresh taxation on Ireland. There was an important consideration as to the relative burden of taxation in the two countries. In England taxation ultimately returned to the pockets of the people in some shape or other; but in Ireland whatever was paid in that way was withdrawn from the country and never returned to it. Not less than 127,000,000*l.* had thus been taken out of Ireland since 1818, and thus it was that the country was constantly kept poor. Ireland was ready to bear a fair and equal burden of taxation, and he was willing to go before an English Committee to prove that the burden of taxation was not fair and equal. As to the Amendment before the House, he repeated it was ill-timed. If intended in a spirit of repentance, he hoped the people of Ireland would accept it; but he begged the hon. Member for the future to remember that it was best to bring forward a proposition when it was likely to succeed, rather than when it was certain to fail.

MR. VINCENT SCULLY said: Sir, I shall endeavour to imitate the example of the hon. and gallant Member who has just sat down, and to discuss this question upon the figures, with a view to determine which is the best course to adopt for the benefit of our common country. But, Sir, I will not, as he has done, narrow the question before us to a mere consideration of the principle of an income tax, and shall endeavour to arrive at a true conclusion by balancing both sides of the account, not in order to ascertain what is best for our own individual selves, but what is most advantageous for the whole people of Ireland. It appears to me that I am fairly stating the position of the hon. and gallant Member, when I say that his main ground of objection to the proposed Budget is, that though something is given to Ireland, yet, that it is not an equivalent for the imposition of the income tax. If the hon. Member were of opinion the poorer classes in Ireland would be benefited by the proposed remissions, he would, no doubt, be now prepared to charge his wealthier fellow-countrymen with an income tax. Upon a former occasion, and before he had allied himself with his present associates, the hon. Member acted on that view; for, on reference to *Hansard*, I find that, in March, 1849, he and many of the party with whom he is now acting voted for an Amendment proposed by Major Blackall in these terms:—

> "That an auxiliary fund, for the relief of the extraordinary distress in Ireland, be raised by a rate, not exceeding sixpence in the pound, to be levied upon all property and income in Ireland, above the annual value of 150*l.*"—[3 *Hansard*, ciii. 198.]

COLONEL DUNNE: I did not vote on that Motion.

MR. VINCENT SCULLY: Of course the hon. Member is the best judge as to his own vote. In the division list upon that Motion, I find also, in favour of it the names of Mr. Napier, Messrs. Spooner and Newdegate, Lord Bernard, Mr. Conolly, Sir F. Thesiger, and of several hon. Members of the Conservative party. Their votes upon that Motion prove that, in their opinions, the occasion might arise when it would be for the general benefit of Ireland to accept the imposition of an income tax. Again, I find that a similar Motion was brought forward by the hon. Member for Kerry (Mr. Herbert), in April, 1849. Upon that occasion also, it will be found that in consideration of the miserable sum of 100,000*l.* many of the party opposite supported the Motion for imposing an income tax on Ireland. And here, Sir, I may observe that the recognised leader of that party came forward and made a very strong speech in support of that Motion. Among other observations then made by the right hon. Member for Buckinghamshire (Mr. Disraeli) he stated—

> "In the difficult position in which we are placed, I feel that the income tax will not press on the small farmers, and that a rate in aid will do so,

This is a consideration which ought to weigh, perhaps, with all hon. Members; but I feel that it ought at all events to have a paramount influence with us, who deplore the adoption by this House of that fatal policy of which the small farmers are now the victims. There are other reasons why I prefer an income tax: I am also in favour of an income tax rather than a rate in aid, for this reason, that it will be imposed on all species of property."—[3 *Hansard*, civ. 516.]

Now, Sir, I cannot state that I am in favour of the imposition of an income tax upon Ireland, for the reason that it will be imposed on all species of property, but because the struggling farmers of that country will be benefited by the remission of the consolidated annuities. There is no man more averse than I am to the extension of an income tax to Ireland if it could possibly be avoided. But the question is one of pounds, shillings and pence, and in considering it together, my honourable Colleague and myself, who rank among our constituents many small farmers subject to heavy charges on account of the consolidated annuities, have endeavoured to form our conclusion without any reference whatever to our own personal interests. I know for myself, Sir, that at my first election in March, 1852, I stated distinctly in my address to the electors of Cork, that I would exert myself by every means in my power to get rid of the consolidated annuities, which pressed so heavily upon them. I have felt called upon now to fulfil that pledge. The whole question of the income tax for Ireland, as well as for England, turns upon the incidence of taxation—whether it should fall more heavily upon the rich than upon the poorer classes; and if I pronounce myself ready to accept an income tax for Ireland, I do so because I am thereby enabling the Government of the day to remove the incidence of taxation from the shoulders of the poorer man to those of his more wealthy neighbours. It was for a similar reason that the income tax was introduced into England in the year 1842, in order to enable the Government of Sir Robert Peel to pass measures which would have the effect of benefiting the masses of the people, and of increasing their means to purchase clothing and food. And here let me ask whether if the working classes of England are enabled to purchase more food and more clothing, and in particular to increase their woollen raiment, and become larger consumers of corn, of butter, and of butcher's meat, will not any measure that tends to effect that object, also be the means of bringing large sums into the pockets of the farmers and shopkeepers of Ireland? Why, I can remember, a few years ago, before the people of Ireland were so well able to pay for clothing, or food, as they now are, that I was selling wool at about 11*s.* a stone; whereas, I expect in a few weeks, after the shearing season, to realise at least 23*s.* 6*d.* per stone. And for the same reason, the farmers of Ireland are at present obtaining large prices for butter, pork, beef, and mutton, which are now consumed in larger quantities by the people of England, though, I am sorry to say that, as yet, but a small proportion of those articles is consumed by my own countrymen. I differ, therefore, from the position of the hon. and gallant Member for Portarlington, that changes in the incidence of taxation which are beneficial to the people of England, may not also benefit the people of Ireland. But while I am by no means inclined to dispute the accuracy of the figures advanced by hon. Gentlemen who adopt an opposite view of the case, I still cannot help observing that in arguing the question they have commenced their chronology before the Act of Union, but have, one and all, invariably stopped short as soon as they came down to the consolidated annuities. True it is that England is making a prodigiously fine bargain—true it is that we are to be charged with 480,000*l.* a year for seven years, which by the end of that time will have realised more than 3,000,000*l.*—and true it is that the spirit duties, taken at twenty years' purchase, will make up an additional sum of about 4,000,000*l.* These sums, therefore, together with some other items, will realise for the English Exchequer a sum exceeding 8,000,000*l.* sterling. But then, Sir, although all this may be perfectly true, it does not follow that because the arrangement is for the benefit of England, that it may not also benefit the people of Ireland. For though the Imperial Exchequer may be thereby placed in the position of receiving fully double the amount of a disputed debt, still, if it is proposed as a dire alternative to the representatives of Ireland, either to submit to the income tax, or to reject it altogether, and pay the consolidated charges, there can be little doubt that the poorer classes would not be benefited by adopting the latter course. And let me remind hon. Gentlemen opposite, that this is a question upon which we cannot be said to have the option in our own hands. I confess that when the present Budget was first presented to this

House by the Chancellor of the Exchequer on last Monday fortnight, I felt great difficulty in solving the problem placed before me; and to enable me to judge the question more clearly and dispassionately, I went on the following day to Ireland in order to meditate over the matter. I returned here on Tuesday last, and upon the following day, whilst attending the Committee-room on the Cork and Bandon Railway, I heard that in an adjoining apartment there were then assembled some Irish representatives, who, like their Scottish brethren, had met together in order to consult upon the proposed Budget, and decide on the best course to be taken for the benefit of this country. I considered it right to join that meeting, and upon doing so found, in anxious deliberation, some five-and-twenty Gentlemen, each of whom had a strong personal interest in the question at issue—men who belonged to and had property in Ireland, and not who had merely crossed over from England, to take upon themselves the representation of Ireland, and assume a position there like some of the hon. Members opposite, such as the Members for Dundalk, and one of the Members for each of the counties of Meath, Kilkenny, and Sligo, who though, no doubt, entertaining conscientious convictions upon the subject, had, nevertheless, not the same material interest at stake, or personal acquaintance with the details, to enable them to judge of it in all its practical bearings. Well, Sir, I participated in the discussions which took place at that meeting, and I am quite prepared to state now the reasons which I then put forward. For, Sir, it was an open meeting, and I wish nothing to remain secret in this or any other proceedings with which I may become connected. The people of Ireland are quick, but they are also shrewd and intelligent. I care not what they may think for the passing moment, but I look to what will be their opinion when they thoroughly understand the whole of the question. I came here to represent my constituents—my business is to study carefully this and all other questions affecting their material interests, and they rely upon me to perform my duty towards them. Though I quite admit that the great county of Cork, which produces the ablest men in Ireland, possesses within its borders many more competent persons than myself to act as their representative, still I conceive that, at a distance from the spot, they do not possess equal means of ascertaining what is the most advantageous course to be adopted on such an occasion as the present. In regard to the question before us, I have felt it my duty to examine carefully all the figures bearing upon it, and with the permission of the House I will state a few results; and I think it will be made evident that so far, at least, as the tenant farmers of Cork are concerned, their representatives have truly and faithfully represented their best interests by the course we have pursued. For my own part, I am quite prepared, at any moment, to render an account to any hundred of my constituents, from any part of the county which I have the honour to represent, and to demonstrate to them collectively or individually that their interests have been materially served by the course I have taken, in preferring to obtain for them a remission of the consolidated charges, instead of endeavouring to protect my own personal and real estate from the imposition of an income tax. Were I to have adopted a contrary course, I should, indeed, have a very selfish account to render if taken to task by the tenant farmers of Cork. No; the course which I had taken was, to propose at the meeting of Irish Members that, as the best means of doing practical good for Ireland, we should wait upon the Chancellor of the Exchequer to protest firmly against at present extending the income tax to Ireland—and, at the same time, suggest that the consolidated annuities and all arrears should be remitted, and that if the income tax were to be imposed on Ireland, it should be confined to those main sources of income which belong to the more opulent classes, and do not involve inquisitorial inquiries or unproductive expense—namely: public funds, public salaries, shares in public companies, landlords' rents, according to Mr. Griffith's public valuation, with due deductions for incumbrancers, annuitants, and rentchargers, who should also bear their proportion of the tax. Well, a resolution to that effect was adopted by the meeting, and on the following day we had a long interview with the Chancellor of the Exchequer, upon whom we pressed our views, and supported them with the strongest arguments we were able to urge. It is scarcely necessary for me to observe that we were received with the utmost courtesy by the right hon. Gentleman, who entered into a discussion of the suggestions we had made; but I conceive it is not unlikely that had our numbers been more formidable than they were, we might be now in a position to anticipate even more satisfactory terms than those which we have good reason to expect. We believe that our remonstrances upon that occasion will lead to some material modifications in the mode of assessing the tax on Ireland. We trust we shall receive that concession to which my Colleague has alluded, namely, that the Irish farmer shall be rated at one-third instead of one-half of his annual rent, and that the rent and income of land, as regards both landlord and tenant, shall be assessed upon Mr. Griffith's public valuation, without entering into any inquisitorial inquiries on the subject. We expect also, that in regard to tradesmen and shopkeepers, they will be assessed without instituting such inquiries, and by giving them the option to adopt as a measure of their assessment some multiple of the poor-rate valuation of their premises. We entertain no doubt in regard to those clergymen whose income depends on mere voluntary contributions, that if they are legally liable to any income tax, their own returns, either personally or through their ecclesiastical superior, will be adopted as correct, and that they will be permitted to certify them to some central authority, and not to any local commissioners. Indeed, we are assured that whatever inquiries may be necessary shall be so conducted as to be as little inquisitorial as possible. We also strongly urged upon the Chancellor of the Exchequer, and urged afterwards on the Chief Secretary for Ireland, that if they could not induce their Government to adopt our suggestion of confining the income tax in Ireland to realised property, they should consent that the standard of taxation upon precarious incomes, and particularly in regard to clergymen of all denominations, should be raised to a higher figure than 100*l.* a year. Now, Sir, as a representative of the county of Cork, returned by its tenant farmers, I will take a practical view of their interests in this question, and of the course which my Colleague and I have considered it our duty to pursue. I will assume that one hundred of our constituents are assembled before us in any part of that county, and that I am accounting with them for my conduct on this occasion, I would say to them—"There is probably not one among you who does not derive a very substantial benefit during a period of forty years by the remission of the consolidated annuities. Those among you who hold farms worth 200*l.* a year and upwards are, probably, not ten in number." [Mr. E. B. Roche: Not five.] My hon. Colleague, who knows the county of Cork better than I do, says there would not be five of that class. But taking the number so high as ten, I would say to those ten constituents, "There are, perhaps, five among you whose farms are rated at less than 300*l.* a year. By one of the concessions which I have been instrumental in obtaining from the Chancellor of the Exchequer, you will be exempted altogether from income tax." To the remaining five constituents, who might, possibly, occupy farms worth 300*l.* a year or upwards, I would state, "You have also been materially benefited by some of the terms which we expect to obtain; for you will have the option of being rated according to a public valuation, and will be charged on only one-third instead of, as in England, one-half of a fair occupation rent." To the few wealthier constituents—not one per cent on the entire—I would say, "If you are subjected to an income tax you can afford to pay it, and must, like myself, submit to do so for the benefit of your poorer neighbours." To the tradesmen and shopkeepers in the smaller towns I might state, "You have, probably, a farm which is relieved from the consolidated charges; the increased prosperity of the adjoining district will bring you increased employment and custom far more than an equivalent for your small amount of income tax; and, at all events, I exerted myself to the utmost in order to exempt you altogether from the tax, and expect to succeed in protecting you from any vexatious inquiries, by allowing you the option of being assessed upon a multiple of your poor-law valuation." To English Gentlemen representing Irish constituencies, and having no personal interest in Irish matters, the modifications which I have referred to, and others of a similar nature which we hope to obtain, may appear of little practical moment; but let me assure them, as one who has an interest in the Irish soil, that the whole question will be viewed in a very different aspect by the sensible farmers of my country. Well, we trust also that all arrears of the consolidated annuities, as well as the future annuities, will also be remitted; and we believe that the very strongest reasons exist why the small tradesman and shopkeeper ought not to be rated to the income tax—at least that the mode of assessment shall be as free from inquisitorial inquiries as possible; above all, we confidently hope that the standard of taxation will be raised, particularly as to clergymen of all denominations—Catholic, Presbyterian, and Protestant. [Mr. LUCAS: Oh, oh!] I trust, Sir, that the hon. Member for Meath will agree in considering that, in late years, the Protestant clergy of Ireland have been taxed most heavily, through the deduction for poor-rates; and that the incomes of the Catholic and Presbyterian clergymen have been also most grievously reduced, and that, in particular, the Catholic priest of Ireland should not be required to contribute towards the support of a State from which he has never derived any sort of assistance or suport. I own, however, that notwithstanding these concessions, I would still desire that any income tax in Ireland should be confined to realised property, and not extended to precarious incomes—in other words, that it should not include what is familiarly known as Schedule D in England. Except as an inevitable alternative, I feel the greatest possible objection to any sort of income tax, and especially to its imposition upon professions and trades. But when I come to discuss the matter with English Members, they meet me with the case of Belfast. They say to me—"Here is a gentleman with 10,000*l.* a-year derived from his trade. In Manchester you impose an income tax upon him. Trade between Manchester and Belfast is running a very close race, and but a very small difference will turn the scale either way: by exempting the Belfast merchant from the income tax, you would drive us out of the market—we shall never consent to that." To such a statement I have but one answer to make—that Belfast is the exceptional case, and that the precarious incomes of the small traders in other parts of Ireland should not be taxed merely in order to catch the rich merchants of Belfast in the common net. The alternative, however, which has been presented to me is either to reject the Budget altogether, and remain subject to the consolidated charges, or to obtain the remission of these charges by accepting the income tax with such reasonable modifications as can be obtained. To solve this problem satisfactorily, it is necessary to consider a few figures. And to begin with the union of Kanturk, in the county of Cork: in that union the annuity charged upon the valuation is 6*d.* in the pound; in Bantry it is 1*s.* 4½*d.*; in Dunmanway 10*d.*; in Skibbereen 1*s.* 1*d.*; in Skull 1*s.* 6*d.*; in Youghall 7*d.* In the county of Mayo, in the union of Ballina, the annuity is 1*s.* 2*d.* in the pound; in Castlebar 1*s.* 7*d.*; in Swingford it is 1*s.* 6*d.*; and in Newport and Westport 2*s.* in the pound. And yet, with such facts and figures before him, one of the representatives of Mayo, who deals more in figures of speech than in figures of arithmetic, has the hardihood to state to those representatives of agricultural constituencies who may desire to relieve such poverty-stricken localities, that when next we go before our constituents, we shall be all "shaking in our shoes." Now, Sir, if I can judge aright the interests and feelings of the great constituency which I have the honour to represent, I would strongly admonish the hon. Gentleman, should he think proper to present himself in the county of Cork, to keep very clear of those towns which are contiguous to the sea coast or deep rivers. And, Sir, whilst tendering him the best protection in my power, I would, in proof of those feelings, remind him of the Kanturk meeting, the report of which he will find in the columns of the *Cork Examiner*, a newspaper known to be most hostile to my views. But some hon. Gentleman opposite appear to prefer to bring back into office the Stockport and Six-mile Bridge Administration, rather than accept for the farmers of Ireland a remission of the consolidated annuities, coupled with an income tax upon the more affluent classes. Here is one of the Members for Mayo, whose own constituents will, perhaps, be more benefited by the remission of the consolidated annuities than those of any other portion of Ireland, coming forward and taunting hon. Gentlemen who coincide in the views which I have expressed with betraying the interests of the people of Ireland. Whatever Belfast may lose, there can be no doubt that Mayo will be an immense gainer by the change; and, therefore, it was not a matter of surprise that the hon. Member for that county came forward the other night to make a most eloquent appeal in favour of the remission of the annuities. [Mr. MOORE was understood to dissent.] Well, if the hon. Gentleman will not allow that his appeal was "most eloquent," it must be his charactertenteristic modesty which induces him to regard so unfavourably his own patriotic efforts. Passing now from Mayo to the county of Clare, I find that Ennis Union is assessed at 1*s.* 7*d.* in the pound; Ennistymon, 2*s.* 6½*d.*; Kildysart, 2*s.* 6*d.*; Kilrush, 2*s.* 0½*d.*; Scariff, 2*s.* 2½*d.*; and Tulla, 1*s.* 10*d.* It appears that the present valuations of all the unions in the county of Clare amount to a sum of 218,877*l.*, charged upon which is a sum of 783,537*l.* spread over a period of forty years, being nearly 20,000*l.* a year, or little less than 2*s.* in the pound. That is the average poundage of the entire county; but some of its electoral divisions and townlands, as well as many other localities in Ireland, are subject to a much higher rate of poundage. Now, I put it to this House, how was it possible for me to resist the force of these figures? Again, take the county of Galway, one of whose representatives goes into one lobby, and the other into another. But let us see which is in the right. Here are two hon. Members, each deeply interested in the soil of Ireland, and neither of whom, I am perfectly convinced, would willingly give a vote calculated to retard the prosperity of their country; here they are imitating the example of the two Members for the city of Galway, and running asunder on this question. Now I must remind one of those Gentlemen that in a portion of that county, a district in which, as I am personally aware, he received at the last election very great support—I mean the district of Connemara—the Union of Oughterard is subject to annuities which average 2*s.* 8*d.* in the pound for 40 years, and that of Clifden 2*s.* 6*d.* in the pound. But why weary the House with further details? If I go into Kerry, Sligo, Limerick, Tipperary, and other counties, I find numerous instances to the same effect. There can be no doubt that a loud though fruitless agitation has been got up in some parts of Ireland; but, nevertheless, I have great faith in the good sense of my countrymen; and being, as I know them, not only a quick but also an intelligent people, I feel assured that all that is required in order to bring them to a proper state of feeling on the subject is, that the facts and figures bearing upon it shall be properly understood. Sir, I do not pretend to set myself up as "a leader" of the people of Ireland, but neither shall I ever mislead them. In such places as Dublin, for instance, they have been running a little wild on this question of an income tax. I have myself a house there upon which I will have to pay income tax, and I shall be no gainer anywhere by its imposition. It is, in my opinion, materially for the benefit of all the great towns in Ireland that the rural districts shall be in a prosperous state. Indirectly, therefore, those towns will feel the good effects from a remission of the consolidated charges; directly, indeed, such cities as Dublin, Belfast, and Cork, will gain but little by the remission, whilst their inhabitants will bear a large proportion of income tax, and are consequently averse to having it imposed upon them. In the union of Dublin (South) the consolidated annuity is only one halfpenny, and in that of Dublin (North) less than one halfpenny in the pound, and in each case for only ten years. In Cork Union the annuity is 2¼*d.* in the pound for twenty years, whilst in Belfast Union it is 1½*d.* in the pound, and only for five years. I have already stated that one of the concessions which we have reason to anticipate is the total remission of all arrears of the annuities, amounting in the whole to about 272,812*l.* Of that large arrear there is due by the Union of Belfast only the sum of one halfpenny. In most other Unions of Ireland there is about one year's annuity due. Such is the case throughout the county of Cork; also in the most impoverished Unions of Clare, Galway, and Kerry. But when we look at Mayo, we find that in most of its Unions, there is considerably more than one year's arrear due. Of all the counties in Ireland Mayo will probably be the most benefited by the remission of these annuities, most benefited by the additional concession remitting the arrears, and least affected by any income tax. Yet we find one of its Members, who was recently the most forward in arguing the remission of these annuities, now taking the very contrary course. I feel no doubt whatever that the recent Motion of that hon. Member in regard to those annuities—a Motion to which I felt bound to give my best support—was the step which, above all others, has led to the imposition of the income tax on Ireland by way of exchange for those annuities. For though that Motion was defeated by an English majority, it was impossible for any Government to disregard the division which took place upon it—a division upon which all the Irish Members who voted on it were found in the minority, except one, and that one a Member of the Government, and whose opinions had been long since pledged to the proposed remission. Well, Sir, that vote having been given by the Irish Members of this House, it became, I conceive, necessary for the Government to deal with those annuities, and having decided on remitting them in part, they found it expedient to get rid of them altogether. In my speech upon that occasion I mentioned one strong reason for adopting that course. A great difficulty in conducting the poor-law system in Ireland arises from the multiplicity of accounts, there being a separate account requisite for each of 2,178 electoral divisions. It appears from the Lords' Report respecting the consolidated annuities, that, being assessed upon townlands, their collection would involve the keeping of no less than 41,275 distinct accounts during a period of forty years. The numerous inconveniences and frauds to which these accounts would necessarily give rise, formed always in my mind a conclusive argument for a total, instead of a mere partial, remission. Let all these matters be properly understood throughout Ireland, and I feel satisfied that the hon. Member will soon discover that even his own constituents of Mayo will not be carried away after his figures of rhetoric to desert those of arithmetic. In regard to the county of Cork, the meeting at Kanturk, and other proofs which I could produce, demonstrate that my countrymen are not so easily duped and befooled as some Englishmen may suppose. As for myself, I may perhaps be permitted to observe, that, whilst I become subject to an income tax, I shall personally be but little benefited by the remission of the consolidated annuities, because it so happens that they press very lightly upon any property of mine. The great grievance of an income tax arises from its inquisitorial nature; and were it divested of that character by being confined to realised property, I should not have hesitated to assent at once to its extension to Ireland. In conjunction with some of the Irish Members, I have done everything in my power to confine its operation, and to obtain as many useful modifications as it was possible to procure. Had all the Irish Members adopted the same prudential course, it is not improbable that we might have succeeded in getting concessions even more valuable than those we expect to obtain. But for the inquisitorial character of the tax, I, for one, should not object to the wealthier classes of Ireland being taxed upon an equal footing with those of Ireland and Scotland—[Mr. FAGAN: Hear!]—and I am glad to find from that cheer of the hon. Member for Cork, that he concurs with me in this view. It is, I admit, difficult to maintain that the manufacturer of Manchester is to be subject to the tax, whilst the wealthy merchant of Belfast is exempt from it. But I will not pledge myself against taking an active part in that agitation which the people of England are so well inclined to institute, in order to get rid of all the inquisitorial portions of the income tax; and if I mistake not the motives of many English Members, their anxiety to extend this tax to Ireland, arises in a great measure from a feeling that we are a very active and troublesome people, and that as soon as we are all in the same boat with the people of England, we shall agitate along with them to remove all obnoxious portions of the tax. The hon. Member for Birmingham (Mr. Muntz), who has always opposed an income tax in any form, has not hesitated to inform me that he will vote to extend the income tax to Ireland, in order that he may induce us hereafter to aid in abolishing it altogether. And, Sir, when we are subject to equal taxation with England and Scotland, we shall be in a better condition to claim the benefit of equal laws, and that Irishmen shall be placed on the same footing as Englishmen all over the empire. We can then, also, urge with better effect that the grievous inequality of an Established Church shall no longer be forced upon the Catholics or Presbyterians of Ireland. In giving my vote the other evening, I gave it in perfect good faith as it was understood in this House, and also by the people of Ireland—namely, as accepting an income tax for that country in lieu of the consolidated annuities, there being no other alternative proposed for our consideration. I must state that I made my election after much hesitation and with great reluctance, and not until after I had stood out for every modification which it was possible to obtain. But having made that election *bonâ fide*, I shall now abide by it; and whilst giving every credit to the hon. Member for Clonmel for his Amendment, which proposes to exempt Ireland altogether from any income tax, I think the straightforward and manly course for me to pursue, is to record my vote against that Amendment, and not run away from it by leaving the House before it divides. It is obvious to every one that there will be a large majority against that Amendment; and I shall not vote for it, merely in order to catch, for a time, a little of the *popularis aura* in Ireland. At the same time I quite approve of taking a division on that Amendment, in order to exhibit the insincerity of the Conservative Gentlemen opposite, in whose professions I repose no trust. Whilst in office they attempted to introduce the income tax into Ireland. They made no offer whatever to remit any portion of the consolidated charges, but occupied themselves with proclaiming and dragooning the Catholics of these countries at Stockport and Six-mile Bridge. The consolidated annuities are 245,000*l.* a year, and amount altogether to over 7,000,000*l.* I know we are justly entitled to a remission of 2,000,000*l.* sterling, and I urged that view upon the notice of the hon. Member for Mayo. I feel the less difficulty in voting against the present Amendment, because I observe that the hon. Member for Ennis (Mr. Fitzgerald) has given notice of another Amendment which meets precisely my views, by proposing to limit the operation of the income tax in Ireland to realised property, and to exclude from its effect all precarious incomes. I shall vote for that Amendment when brought before the House, and can do so with perfect consistency with the views I have hitherto urged. I repeat again, that I feel the greatest possible aversion to the imposition of an income tax, but I found it was absolutely inevitable. For the last ten days the certainty of the Budget being carried by a large majority was well known in a quarter much better informed than we usually are in this House—I mean on the Stock Exchange of the City of London. Having made every inquiry, both in the House and out of it, I came to the clear conviction that it was no longer possible for Irish Members to oppose effectually the extension of the income tax to their country—that the time was come when its introduction there was quite inevitable, or, in classical phrase—

> "Venit summa dies et ineluctabile tempus."

Therefore, Sir, it was that, in conjunction with some thirty other Members for Irish constituencies, we took up the course of endeavouring to make the best terms we could for our country. And for acting in this manner I think, that, so far from having our acts disparaged, or our motives impugned, we are justly entitled to the best thanks of our constituents, and of the whole Irish people. Indeed, if pieces of plate were going in these bad times, we should have every right to expect to receive compliments of that nature from the gratitude of those whom we shall have served by our exertions, in obtaining a remission of the arrears of annuities and modifications of the income tax. I shall trespass no longer on the indulgence of the House; but I think I have stated enough to demonstrate that it would have been utterly impossible for my hon. Colleague or myself to have honestly rejected a proposition which transfers the incidence of taxation to the shoulders of the rich man from those of his poorer neighbours—a scheme which, so far as the Irish tenant farmers are concerned, may be aptly termed the Farmer's Budget.

Mr. GAVAN DUFFY said, he had the same objection to take part in the present debate as that stated by the hon. and gallant Member for Portarlington (Colonel Dunne), and for precisely the same reason—that he detested sham battles. If the hon. Member for Clonmel (Mr. Lawless) had come down to the House on Monday night in opposition to the Government, when this identical question was raised, he (Mr. Duffy) would have been most happy to have joined him in giving effect to the opinions he now expressed. He confessed that his only motive for supporting the Amendment of the hon. Gentleman on the present occasion was the apprehension of his conduct being misunderstood outside of the House. The hon. Member, in stating the grounds of his vote on Monday night, said, first, that he could not think of going into the same lobby with men who had slandered the convents and nunneries of Ireland. Did the hon. Gentleman think that they, on his (Mr. Duffy's) side of the House were blind, and could not see that he who made this objection sat within one of the hon. Member for West Surrey (Mr. Drummond), and voted in the same lobby with that hon. Gentleman—the only man in the House who spoke offensively of nunneries. The next reason given for the hon. Member's vote was his unwillingness to divide with a party who were in favour of Coercion Bills for Ireland. The hon. Member had, however, forgotten that he was supporting that political party who were, on a memorable occasion, styled "base, bloody, and brutal," because they were the authors of a ruthless Coercion Bill for his country. Another reason relied on by the hon. Member was, his unwillingness to vote on the same side as those who had encouraged the Stockport rioters; but it appears he was quite content to give his support to the authors of the Ecclesiastical Titles Bill. But the hon. Member assured the House he was afraid of taking a course that might have the effect of restoring the late Ministers to office. What did this amount to? Why, to this—that his present Motion was a farce: for if not, if he hoped to carry it, he was running at this moment the very risk he refused to take on Monday. When the hon. Member remarked that it was very hard for the Irish peasantry to understand the conduct of their representatives, he (Mr. Duffy) would tell him that he might safely give them credit for greater sagacity; there was no fear but they would perfectly understand the reason of the hon. Member's Motion on the present occasion. The Member for Clonmel appealed to his family connexions. He (Mr. Duffy) confessed that that allusion stopped his mouth, for he knew the hon. Gentleman to be the son of one of the best men in Ireland, and for that reason he would proceed further on this subject. The hon. and learned Member for Cork, who followed the hon. Member for Clonmel, declared that he had great objections to the income tax, as it was proposed to extend it to Ireland, and that having pressed those objections upon the Chancellor of the Exchequer without receiving the slightest satisfaction from the right hon. Gentleman, he had—done what?—come down to the House and voted with the Chancellor in favour of the measure. The hon. and learned Member told them that Cork had produced some of the ablest men in Ireland. The Colleague of the hon. and learned Member (Mr. Edmund B. Roche) gave them the other night a sample of Cork logic. That hon. Gentleman said, that, having many transactions in this country, and wanting to employ shippers in Cork, he found them unable to compete with the shipowners of Liverpool; and in order to enable the former to compete with the latter, he would vote for putting a new tax upon them—

Mr. ROCHE rose to state that he had said quite the reverse. He stated that he found certain merchants of Cork taking advantage of their being free from taxation, and asking too high a price from him for the transport of goods from Cork to London. How was he to bring that down except by competition, and where was he to get that competition except amongst the shipowners of London and Liverpool? And if he asked them not to tax the shipowner of Cork, and to tax the shipowner of London and Liverpool, he was cutting a stick to lay over his own shoulders.

Mr. DUFFY did not think that he had much misunderstood the hon. Gentleman, for in fact he would put an income tax on the shipowners of Cork, in order to enable them to compete with the shipowners of London and Liverpool. The hon. and learned Member opposite (Mr. V. Scully) taunted the Irish Members on his (Mr. Duffy's) side of the House, by saying that they had no interest in Ireland. There was one thing certain, that there was a large number of them who had no interest in Downing-street, and were uninfluenced by any connexions in that quarter. The party with which he acted was composed of men who were distinguished by uprightness of conduct and consistency of purpose—of men who scorned to avow one set of opinions in that House, and another to Ireland. Now, in respect to the application of the income tax in Ireland, he would ask what new reasons had been advanced for the introduction of this new tax to his country? The two reasons given by the Chancellor of the Exchequer amounted to this—that England had never so little need of help from Ireland, and Ireland never had so little to spare her. The late Sir Robert Peel, when he first proposed the income tax for this country, found the finances of England in a most disordered condition, and under circumstances which he then stated, he declined to apply the tax to Ireland. The Chancellor of the Exchequer, on the contrary, had a large surplus in hand, and therefore the right hon. Gentleman felt the necessity of extending this tax to Ireland. The other leg of the right hon. Gentleman's argument was—that in 1842, when the tax was first proposed by Sir Robert Peel, Ireland was more prosperous than she was at present, and England poorer; whereas at this moment England was richer than she had ever been within the memory of man, while Ireland presented the spectacle of a whole population flying away because they were unable to earn their daily bread. The argument, in fact, condensed itself into a sentence; tax Ireland because she was never worse able to bear it; spare England because she grows daily more and more prosperous. But they had a right to ask what was going to be done with this money? The entire half million would be swallowed up in a militia, not one man of whom had been given to Ireland. He trusted the House had not forgotten the fiery eloquence of the noble Viscount (Visct. Palmerston) the Secretary for the Home Department on the subject of a militia for Ireland, when he was doing penance on the Opposition benches. At least, his noble Friend, the leader of this House (Lord John Russell), who was flung out of office by the hurricane, could scarcely have forgotten it. The noble Viscount would not listen patiently to the injustice of depriving Ireland of a militia for her protection. Why should she not be protected as well as England? He could not sufficiently reprove the mean and cowardly spirit in which such an exception was conceived. But he must quote to the House the very words of the noble Viscount:—

> "The whole of the objections of the Government to the formation of a regular militia are founded upon a radical distrust of the people of the United Kingdom. I, Sir, on the contrary, am disposed to confide in the people. But if things have come to this pass—if we have so mean an opinion of our population that we cannot trust our fellow-subjects to defend themselves—it is much better to give up the Bill altogether. But as there is no foundation for this distrust, there is no reason to believe that the people of England would not rally round the national standard. It will not be for the first time that the people of Scotland will have risen up in arms, and have fought the enemies of the United Kingdom. And if it be that we cannot trust the people of Ireland, why, Sir, let us send at once for a Russian force to defend us, or let us have an Austrian force and garrison in London."

On the Motion which concluded this speech, the present Chancellor of the Exchequer voted with the noble Viscount, and it did seem to him (Mr. Duffy) a rather intrepid proceeding of the Ministers who made these professions, and forgot to act upon them, to come down to this House and propose an income tax upon Ireland to pay the costs of the militia denied to her. On the mere ground of no value received, she was entitled to refuse this contribution. Another heavy branch of the public expenditure was the Packet service. The Government were going to spend four-fifths of a million sterling upon it; and by way of encouraging Ireland to contribute an income tax, they had refused her an American Packet Station. Government after Government had ventured to declare that Liverpool or Holyhead was more westerly than Galway. But some hon. Gentlemen are astonished that Irish Members should forget the remissions of duty contemplated in the Budget, to increase the comforts of the people. It was cheerful news, certainly, for the struggling traders and professional classes in Ireland, whom the famine had reduced to half their income, that turtle, and anchovies, brocade, jewels, ostrich feathers, and *eau de Cologne*, might be had at reduced prices. Or, perhaps, they were to find increased comfort in the fact that every Irish trade with any vitality in it was exposed to new competition at the very moment his "colossal engine of finance" was levelled at it. Linens, whisky, hams, eggs, butter—almost everything that Ireland exported—must at the same time meet the double exigency of producing less money and paying more. The most vital objection he had to this proposal was, in fact, that so far from increasing the comforts of the industrious classes, it would press on them with an intolerable weight. He knew to a certainty that it would be cruelly oppressive on a larger class of the best men in Ireland—men who had struggled to exist through the famine in decency, who had endured privations, and made sacrifices to help the starving people, and to preserve their own credit. If this tax were invented to drive them to emigration, it would be admirably fitted for its object. He considered that the whole Budget was conceived in a spirit unduly favourable to England. He believed that the declaration of a great Minister in the House of Commons, eighty years ago, was as true now as it was then. William Pitt said, in reference to finance operations, "The uniform policy of England has been to deprive Ireland of the use of her own resources, and to make her subservient to the interest and opulence of the English people." Now, that was precisely what they were doing at present. His opinion was, that the people of Ireland did not regard this as a question of Ministries. That was an inferior question, as compared with the proposition to extend the income tax to Ireland. There were some men in office at present—he would name one, the present Chief Secretary for Ireland (Sir J. Young)—whom, to eject for any person likely to succeed him, would be anything but a change for the better. That right hon. Gentleman, he believed, meant well to Ireland; and he (Mr. Duffy) should be sorry to see him out of office; but that right hon. Gentleman's holding office, or any one's holding office, should not weigh a moment with him in voting against such a measure as this. The hon. Member then used the following language:—Never did so many Irish Members vote against any measure as against this: seventy-two Irish Members voted against it—men representing large constituencies, and all kinds of political opinions. I do not know how so many Irish Members have been persuaded to vote in favour of it. Some few of them, I am sure, voted from conscientious motives; but, short as my experience of Parliament has been, I don't think in the worst days of Walpole and the Pelhams more scandalous corruption existed than I have seen with my own eyes practised upon Irish Members. [*Loud cries of* "Name, name!" *during which the hon. Member made several attempts to proceed with his observations.*] If the Chairman tells me, on the part of the House, that it is their wish I should name the persons to whom I have alluded, I shall do so.

MR. VINCENT SCULLY: Sir, I rise to order, and ask you, as Chairman, whether such language as that which has been used by the hon. Member for New Ross is to be tolerated in this House?

MR. J. BALL: Sir, I move that the words used by the hon. Member for New Ross be taken down. ["Hear, hear!" "Oh, oh!" "Name, name!" *and general confusion.*]

MR. GAVAN DUFFY again essayed to speak, but was met with loud cries of "Name, name!" The hon. Gentleman then repeated what he had before said. If the Chairman calls upon me to do so, I will name. [*Cries of* "Order, order!" "Chair, chair!" *and great confusion.*]

The CHAIRMAN: Does the hon. Member for Carlow mean to press his Motion that the words of the hon. Member for New Ross be taken down?

MR. J. BALL: Certainly, I do.

The CHAIRMAN: What, then, are the words?

MR. J. BALL: I believe, Sir, I am strictly within the rules of the House when I move that the words of the hon. Member for New Ross be taken down. Those words must be fresh in the recollection of hon. Members; and I apprehend that, according to precedent, the clerk at the table should take down those words, on a Motion being made that he should do so.

Several Irish Members here rose together, and attempted to address the Committee, amid loud cries of "Order, order!" and "Chair, chair!"

The CHAIRMAN said, he apprehended the House only, and not the Committee, could take notice of the language which had been used by the hon. Member for New Ross; and if the words in question were taken down, it would be his (the Chairman's) duty to report them to the House.

MR. G. H. MOORE: I merely wish to state, that in the debates on the Ecclesiastical Titles Bill a similar Motion was made—that certain words used by an hon. Member should be taken down—and the Speaker decided that no such Motion could be made.

MR. F. SCULLY: Sir, I wish to correct the statement made by the hon. Member for Mayo. It must be in the recollection of the House that it was not until after the speech of the hon. Member who used the language was concluded, that the Motion was made that the words should be taken down; and I remember that the Speaker declared, that had the hon. Member who made the Motion made it at the time the words were spoken, it would have been competent for the House to entertain it, but not otherwise.

MR. J. BALL: If the hon. Member for New Ross repeats the words they can be taken down. I understood the hon. Member to say that grosser corruption than was ever known since the days of Walpole and the Pelhams had been practised upon Irish Members under his own eyes.

The CHAIRMAN: Will the hon. Member for Carlow furnish me with the words said to have been used by the hon. Member for New Ross?

MR. J. BALL, having handed a written paper to the Chairman, the words attributed to the hon. Member for New Ross were these: "That the grossest corruption ever practised in the days of Walpole and the Pelhams has been practised, under my own eyes, upon Irish Members in this House."

The CHAIRMAN: I shall put the question, that the words used by the hon. Member for New Ross be taken down. Is it the opinion of this Committee that these words be taken down by the Clerk? [*Loud cries of* "Aye, aye!" *and* "No, no!"]

SIR DENHAM NORREYS said, amidst considerable confusion, that he was an Irish Member, and felt that the aspersions made by the hon. Member for New Ross seriously affected the honour of the body to whom both of them belonged: he would, therefore, appeal to the hon. Member to withdraw the words which had given offence, and which, to say the least, were neither Parliamentary nor in good taste,

The CHAIRMAN: Do I understand from the hon. Member for New Ross that these were the words he used:—

> "That the grossest corruption ever practised in the days of Walpole and the Pelhams has been practised under my own eyes upon Irish Members in this House?"

MR. GAVAN DUFFY: They are not identically the words, but they are so nearly correct them that I don't quarrel with them.

Lord JOHN RUSSELL: I beg to call to the recollection of the House the circumstances under which the hon. Member used these words, and the manner in which he followed them up. The words, as they have been taken down, appear to me, and I believe to the hon. Gentleman himself, as nearly as possible the words that he used. There was immediately, on this side of the House, a loud cry of "Name, name!" Now, it appears to me that if the hon. Gentleman had meant to make a vague assertion, which he had not the least means of proving, he might have been justified in passing on to other matter; but if, on the contrary, he meant to make an assertion affecting the honour and the integrity of Irish Members of this House, when he said the corruption which had been practised under his view upon those Members, was unequalled since the days of Walpole and the Pelhams, I think he ought to be ready to establish that assertion. But, instead of that, the hon. Gentleman took the first opportunity of saying, "Now, I will immediately pass to another part of the subject." ["No, no!" "Yes, yes!"] If I am wrong in this, the hon. Member will correct me. I understood him to say, immediately afterwards, when there was a cry of "Name, name!" that if the Chairman, by the desire of the Committee, called upon him to name, he would do so; but of course that is not in the power of the Chairman; and then the hon. Gentleman immediately said he was going to pass to another part of the subject. Such being the case, I own it appears to me that the Committee in general, and the Irish Members in particular, may consider these words as general words used in debate, which the hon. Member is totally unable to prove, for the purpose of fixing a stigma on Irish Members which they do not deserve, and that he is utterly unable to prove one single word of what he has uttered. If, however, the hon. Gentleman is ready to give the Speaker in the Chair an assurance that he is ready to proceed to charge Irish Members individually with that corruption with which he has charged them generally, I then certainly should not refuse my vote for the Motion that the words in question should be taken down; but as the matter now stands, unless the hon. Gentleman goes into that statement, I consider it will be better for the Committee to treat these words with contempt, and not to notice them.

Mr. LUCAS: I apprehend, that, when words of this kind are used—if they ever were used—it is quite possible, that, if the hon. Gentleman chooses to go into the proof of them, he might prove to the moral satisfaction of every Gentleman who heard him a great deal that might be unpleasant to state or repeat. But I must say, I understood the words of my hon. Friend differently from what they have been described. I understood him to say—what his ulterior meaning may have been lies in his own breast—I understood him to say that the grossest corruption, or whatever the words were in that part of the sentence, had been practised towards the Irish Members. ["No, no!"] I appeal to the recollection of the House whether that is not the precise form of the sentence used by the hon. Member? and I conceive that when the House is asked to adopt a strict proceeding of this kind, they must take the exact words used, and not put a gloss upon them. The words, as I understood them, constituted an accusation against the Government; and might or might not imply an imputation on Irish Members. The words were, that "the grossest corruption had been practised"—upon whom?—"towards Irish Members." ["No, no!" and a copy of the words placed in the hands of the Chairman was given to the hon. Member.]—"That the grossest corruption ever practised since the days of the Walpoles and the Pelhams, has been practised under my own eyes upon Irish Members of this House." By whom, then, has this corruption been practised? Not by the Irish Members on the Government; no one pretends that Irish Members have corrupted the Government—or that any bribery had proceeded from any of the hon. Gentlemen opposite to the occupiers of the Treasury bench; but a comparison has been drawn between the right hon. Gentlemen opposite, and the Walpoles and the Pelhams of an earlier generation, and it was asserted that the grossest corruption of the days of the Walpoles and Pelhams has been practised by them. That is the accusation. If, therefore, those right hon. Gentlemen, out of a regard for their own dignity and character, think it necessary to have those words taken down, and require some ulterior proceeding to be taken, that is all very well; but, at all events, let it be understood that the accusation was made against them. It is only in this sense, and coming from them, that any complaint of the kind can be entertained. If the words are taken down, let them be taken down accurately, and I am sure the House will not strain the imputation a hair's breadth beyond what was conveyed.

Mr. R. PHILLIMORE: I have paid, Sir, the greatest attention to what has taken place on this subject; and I think that the words used by the hon. Member have been correctly taken down. The explanation of the hon. Member for Meath, so far from mitigating, has, I think, increased the offence. The explanation is, that the hon. Member has seen, with his own eyes, the grossest corruption practised towards Irish Members by the Government. I say this, as an independent Member, that it concerns the honour of this House to know what Member of Her Majesty's Government has practised this "gross corruption towards any Irish Member" under the eyes of the hon. Member, in order to influence his vote in the debates in this House. It is a matter which concerns the honour of the House, and a charge which demands immediate explanation.

Mr. OTWAY: The hon. Member for Meath (Mr. Lucas) has given a wrong explanation of the words now complained of. The House should recollect what preceded the words in question. The hon. Member for New Ross had stated that a few of the Irish Members had acted conscientiously; and then proceeded, in the course of his remarks, to make an accusation of gross corruption, such as had not existed since the days of Walpole and the Pelhams, which had been practised upon Irish Members under his own eyes. The Committee has itself heard the words; and I put it to every hon. Member whether the hon. Member for Meath (Mr. Lucas) has not given a very incorrect statement respecting the words actually used? [*Great confusion.*]

Mr. E. BALL: I must state my conviction that the hon. Member for Meath has given a correct interpretation of the words used by the hon. Member for New Ross. If the words did not bear that meaning, they could have none whatever. It was a parallel between the Walpoles and Pelhams, of a former period, and the present Government, and unless the charge is understood as brought against the Government there would be no application in the words. As a charge against Irish Members it would not be applicable; but it would be so if brought against the Government. Sitting here, upon this side of the House, and hearing perfectly well, as I did, I am convinced that the words as given by the hon. Member for Meath, as well as the interpretation, are the correct ones.

The CHAIRMAN: I must ask the indulgence of the Committee in this matter, having no precedent to guide me. As I understand the state of the case, I am now to put the question, that the words, as suggested by the hon. Member for Carlow, to have been used by the hon. Member for New Ross, be taken down by the clerk; and that then the proper course, if that Motion be agreed to, and the words are taken down, will be to report progress in order to report the words to the House. I say it is my decided opinion that the language itself was disorderly. The general rule being that words imputing improper motives to a Member of this House are disorderly, the language of the hon. Member for New Ross appears to come clearly under that definition. I will now, therefore, put the question, "That these words, 'that the grossest corruption ever practised in the days of Walpole and the Pelhams has been practised, under my own eyes, upon Irish Members in this House,' be taken down."

Mr. DISRAELI: I understand the Chairman to say, that he considered the words complained of were disorderly, because they impute corrupt motives. There appears to be some doubt as to the exact words. [*Cries of* "They are admitted;" *and* "No, no!"] The question is, whati admitted? But taking the admission in its fullest sense, I do not find in them any imputation of corrupt motives. Now, it is necessary that we should act in this matter so that those who follow us half a century hence may not be led into error by our conduct. I say again, I find no imputation of corrupt motive. I find, however, a much more important thing, namely, a distinct allegation of corrupt conduct. Nothing is more clear than this, that the allegation of corrupt conduct, especially if such conduct is alleged against a Minister, is not disorderly on the part of any hon. Member of the House of Commons. It might be that a Minister is guilty of "corrupt conduct," and an allegation to that effect is surely not disorderly; for if such corruption exists, it is the first and paramount duty of a Member of this House to bring forward such a charge; and we must not declare that any hon. Member has been guilty of acting disorderly, because he has accused a Minister of improper conduct. By so doing, we should be depriving ourselves of one of our highest functions and offices. I think it is evident, from this consideration, how important it is that we should have a clear admission of what the precise words used were. If they impute corrupt motives to any individual, whether one of Her Majesty's Ministers or not, it may be, and I believe is, disorderly; but if there is a distinct allegation from a Member in his place of a Minister having acted corruptly, that hon. Member is not guilty of any disorder; but, on the contrary, he has by so doing been acting only upon his right, and, if he can substantiate his charge, been exercising the highest duty of which he is capable as a Member of this House. I trust, therefore, that the Committee will act with the utmost caution in the steps which they may think fit to adopt.

VISCOUNT PALMERSTON: I am perfectly ready to admit the accuracy of the statement of the right hon. Member for Bucks opposite, that it is competent for any hon. Member in the House to impugn the conduct of any Member of the Government of the day in any way in which it may appear to him that he has grounds for stating the accusation; and so far as the charge of the hon. Member for New Ross against Her Majesty's present Government goes, I challenge him to the proof. I want no taking down of the words used, or reporting them to the Speaker. The charge has been made, and I defy him to prove it. So far, however, as the charge goes against Irish Members of this House, the matter stands upon a different footing. The hon. Member for New Ross has made a charge which, whatever may be the particular words used, implies necessarily an imputation upon the honour and conduct of his Irish colleagues in the House. Now, we all know that men are led away by the course of an argument, frequently to make assertions which, in clearer and calmer moments, we should feel we had no good ground for making; and I would put it to the hon. Member—he is a young Member of this House, and will excuse me, who has been a Member longer than he has, if I suggest a course to follow which I think would redound to his credit—whether it would not be wise to cut short the difficulty in which he is likely to involve us, by saying—what I am sure must be passing in his inmost mind—that he regrets that, in the warmth of debate, he has cast reflections upon the conduct of hon. Members, which he had no good ground for maintaining, and which, speaking deliberately, he would not have used. Nothing would be more creditable to the hon. Member than the admission that he did not intend to use words imputing dishonourable conduct to honourable men. The course which I have suggested is the one which I should take myself if I had let drop any words imputing dishonourable conduct to any hon. Member; and I would humbly venture to suggest that the hon. Member would best consult what was due to himself as well as to the representatives of his country, if he were at once, fairly, handsomely, and candidly to say that he did not mean deliberately and seriously to impute any dishonourable conduct to any Irish Members.

MR. LUCAS [who rose amid great confusion]: I rise merely to protest against its being taken for granted, in the manner in which the noble Lord the Secretary of State for the Home Department has taken it, that those words which were taken down, and which have a most distinct meaning, have the meaning which the noble Lord appears to attach to them. I maintain there is no meaning of that kind in those words. The words which have been taken down contain an imputation against Her Majesty's Ministers, and do not necessarily convey any imputation upon other hon. Members, and do not necessarily convey any imputation whatever upon the honour and character of Irish Members. If I may venture to offer any advice to my hon. Friend, it would be that he should stand upon his right and on the words he has used, and leave the House to determine—which I believe it never will do—that the words bear the sense which I am persuaded no rational man can deduce from them, namely, that they contain any imputation upon any person except Her Majesty's Ministers.

SIR GEORGE GREY [who spoke amidst continued confusion], said: If these words which have been made the subject of complaints do not contain the meaning which has been affixed to them, it would be satisfactory to the Committee to hear that such was the case from the hon. Member for New Ross himself. It seems to me that we have been engaged in a very fruitless discussion as to the accuracy of the words taken down. The Chairman has, with great consideration, appealed to the hon. Member for New Ross to know whether the words had been handed to him correctly; he appealed to the hon. Member to admit their substantial accuracy; and after the hon. Member had done so, and when the

Committee was proceeding to discuss whether—their accuracy having been admitted—they should be taken down by the Clerk, the hon. Member for Meath got up and attempted to deny the accuracy of the words that have been read.

Mr. LUCAS: I beg pardon, I did not deny [*great confusion*]—I did not deny—I did not deny it [*renewed confusion*]. I really think I have some right to appeal to the courtesy of hon. Members. I am telling them what I have repeated before. I read the words used by my hon. Friend from this paper, and my whole argument was founded upon those words, namely, "the grossest corruption since the days of Walpole and the Pelhams has been practised upon Irish Members in this House before my own eyes." I assumed the accuracy of those words, and my argument was founded upon their accuracy.

Sir GEORGE GREY: I certainly understood the hon. Member for Meath to deny the accuracy of the words taken down, and to deny that the hon. Member for New Ross had said that under his own eyes the grossest corruption had been practised upon Irish Members since the days of Walpole and Pelham. It is true that afterwards, admitting the substantial accuracy of the words, the hon. Member denied the correctness of the construction that had been attached to them. He did that with the hon. Member for New Ross sitting beside him, and that hon. Member confirmed his statement. I had hoped that in answer to the appeal of the noble Lord the Secretary of State for the Home Department, and hearing the construction which had been placed upon these words, the hon. Member would have hastened to relieve the House from the painful position in which it is now placed, by at once denying that he intended to cast either upon the Government or upon Irish Members, without intending to prove it, an accusation which is equally disgraceful either to the one or the other. Not being able to prove what he stated with respect to this disgraceful conduct, I trust he will, even now, upon reflection, be induced—I will not say to retract the words, but, at least, to explain the meaning in which he used them, or proceed at once to give substantial proof of the accuracy of the charges brought by him as well against the Irish Members as against Her Majesty's Government.

Mr. H. HERBERT: Sir, as an Irish Member who has listened to this most painful discussion, I venture to remind the Committee of the advice which fell from the noble Lord who leads this House, which was to treat the imputation which had been made by the hon. Member opposite, who has not dared to come forward either to prove his charge, or to name the parties against whom it had been made, with the contempt it deserves. As an Irish Member, and therefore, of course, as one of those who must of necessity be included in that charge, I, for one, am perfectly ready to take the advice of the noble Lord, more especially as in addition to that excellent advice, the noble Lord the Home Secretary has made an appeal which—I am at a loss to express myself, but I think the House will understand me—which would have been responded to by any person deserving the name of—I hesitate to use the word—

Mr. DUFFY: I should have hoped, Mr. Bouverie, that, under the circumstances in which I now stand—assailed as I have been—[*Cries of* "Oh!" *and* "Hear!"]—and called upon to answer, under circumstances presumed, I suppose, to be serious—I did hope that I would have been protected against such language as that which has just been applied to me. And I must say that I do not think it at all creditable to an assembly of English Gentlemen to applaud the gross language of the hon. Member for Kerry (Mr. H. Herbert). There are two circumstances respecting which I think it necessary to explain. The one is in reference to my observation, that though short had been my experience in this House, I had seen certain things pass under my own eyes. [*Laughter.*] I do not mean to alter a single word of what I said, and hon. Members at the back of the Treasury cackle out of time. I wish the Committee to understand that the phrase "under my own eyes" meant during the time I had been a Member of the House. The other circumstance is this: the interpretation put upon my words by my hon. Friend the Member for Meath has led to some discussion. There is much in it inseparable from the truth. I was instancing the corrupt conduct of Ministers. Walpole was a Minister, and so were the Pelhams, and both corrupted Parliament, as history tells us. I brought the practice down to our own times, and declared my conviction that the present Government did operate on certain Irish Members in the same fashion. The statement I wish to convey to the House is, that the same kind of influence employed by Walpole and by Pelham, seemed to me to have been employed to obtain the votes of a certain small number of Irish Members. [*Cries of* "Name!" "No!"] A further explanation I wish to offer is this. The noble Lord who is called the leader of this House said I wanted to hurry away from the subject. That is not the fact. I said if the Chairman, as the organ of the Committee, called me to name the parties, I could name them. In the clamour that pervaded the House, I could not gather what course it was desired I should pursue. I collected from my friends that it was not wished I should name any names, and then only I said I should pass to another topic. I am, as several hon. Members have stated, not an old Member of this House. I am, therefore, unacquainted with its forms, and I may consequently have got into a position of some difficulty through my ignorance of those forms. But there is one position which I shall never get into —I will never unsay anything I have said, believing it to be true. When the Chairman said I was disorderly, a distinguished Member of this House said in his opinion I was not so. How was I to decide which was right or wrong? But the matter stands thus. If it be the opinion of the Committee that I should inform it of the facts which led my mind to the conclusion that I have expressed, I shall give that information. If, on the contrary, it be the wish of the Committee that I should declare what I said was untrue, or explain away its force, then, whatever may be the consequences, I decline to do so, and await them without fear. [*Renewed cries of* "Name!" *and* "No!" *and confusion.*] The hon. Member rose again, and said—I am called upon to name. If it be the wish of the majority of the Committee, then I will— [*Confusion.*]

MR. BRIGHT: I think the Committee will have discovered a considerable difference between the explanation of the hon. Gentleman, and the impressions made upon the Committee by his original statement. ["Oh, oh!"] Well, that is my opinion. I think the statement now stands thus: The hon. Gentleman is of opinion, and declares it openly, that the Government has taken measures somewhat analogous to those taken by former Governments for the purpose of influencing the votes of Irish Members in this House. I should be very sorry to have to defend any Government from charges of that nature. We know very well there is an investigation going on at this moment into charges affecting Gentlemen upon the other side of the House. I do not believe, myself—and I speak as having made some observations during the ten years I have sat in this House—I do not believe, I say, that any hon. Gentlemen, making a general statement of that kind, can easily be shown to have said that which was incorrect. The hon. Gentleman comes from the other side of the Channel. We know—every one of us knows—particularly in this House we know it—that many Irish Members do take what may be called, though they are from the West, an Oriental latitude in the language they use. Their language is often of a very figurative description. Now I am inclined to think that the expressions complained of to-night may be fairly classed under that category. I may myself have at times used expressions which the House has not altogether approved of. Mr. Bouverie has decided that the language used is disorderly. Now I think the hon. Gentleman would not wish to say anything that the Committee considered disorderly. I hope he may, and he will probably, state to the House that he would be very sorry to transgress the rules of the House by stating anything that was disorderly, or contrary to the rules of the House; for his accusation, as he says, refers to practices which he believes are in operation by Gentlemen upon that bench (the Government), towards Gentlemen who generally sit somewhere below the gangway. Now, that is only a general imputation, which I honestly confess, if I were an Irish Member, I should never have thought of calling to be taken down. I have said such things in this House myself, and I have heard many other Members say the same things. When men are very earnest, and when they see Gentlemen with whom they have been in the habit of acting taking a part which they cannot comprehend—although it may be a wise, conscientious, a most patriotic course—I think under these circumstances, a Gentleman may make use of mere expressions, such as the hon. Gentleman has used, without the House being required to take steps of this nature for the purpose of going into a further examination upon them. I think the hon. Gentleman has made a partial explanation; and although I should have very much have preferred that the words should not have been uttered, I apprehend they do not bear the sense with which they first impressed the Committee—I cannot for a moment conceive them to be uttered in that sense; and if I might be permitted to advise the Committee, it would be, after the statement of the hon. Gentlemen, that we should let the matter drop. After all, the hon. Gentleman does not say that any of the Irish Members to whom he refers have succumbed to the temptation. The hon. Gentleman only speaks of their being operated upon. Everybody knows that all operations do not succeed. I understood the charge to be that this Government, like former Governments, have offered temptations and inducements, and used means to swell their majorities. I have heard such charges over and over again in the last ten years; it is a general accusation that has often been made; and no one has thought of taking notice of such general imputation, and I confess I think that there is a difference between the original impression of the words and the hon. Gentleman's explanation.

Mr. J. BALL: It is not for me to judge how far this House may tolerate on the part of any of its Members direct imputations of corruption between the Government of the day and other Members of the House. At all events I, for one, as an individual Member, am desirous to vindicate not only my own personal honour, but the honour, also, of those Members with whom I am in daily communication; and if there is corruption going on in the House, I desire it may be manifested, that I may disconnect myself from it, and from those who have been guilty of it. I shall not, therefore, withdraw my Motion unless I hear some more satisfactory explanation than I have yet heard. Corruption, Sir, is a very plain thing. The meaning of the hon. Member for New Ross I take to be this—that some hon. Members from Ireland have been induced, by pecuniary considerations—[*Cries of* "No, no!"]—to give their votes in this House. ["No, no!"] That was the plain meaning of the accusation. Are such words as these to be used in this House, and the House then to be told that no meaning is to be attached to them? Well, Sir, so long as that allegation stands, I, for one, shall not consent to withdraw the Motion.

Lord JOHN RUSSELL: The right hon. Gentleman opposite, the Member for Buckinghamshire, is perfectly right when he says the Government is at all times open to charges of this nature—to charges of corruption, or any other charges which hon. Members may think proper to make; and no doubt Government, as well as individual Members, should be indisposed lightly to take offence at words escaping in the heat of debate. But it appears to me it is not only the Government, and Members of the Government, who ought to take offence at the words used in this debate; for it must be observed that the hon. Member who used the words was an Irish Member, and that the charge particularly referred to Irish Members—that they had been actuated by corrupt influences. Now, it appears to me that there are three ways in which any hon. Gentleman who uses such words as the hon. Member has used may act. The first is that supposed by my noble Friend—that where, in the heat of debate, words which were not well-founded, and unjustifiable in themselves, have fallen from an hon. Member in the course of his speech, they may be recalled, as words which, on consideration a few moments afterwards, he felt he could not substantiate, and should regret. That, it appears, is not the case of the hon. Gentleman, for he does not retract the words. The next is a perfectly justifiable course—namely, where a Member states that which he believes to be true, and afterwards says he is ready to make it the subject of inquiry and of a specific charge. If I understand that to be the case of the hon. Gentleman, I beg that those charges may be distinctly made. Hitherto he has refused to name. If he will name, together with the specific charge, the corrupt conduct practised by Government towards any hon. Member of this House, that hon. Member being guilty equally with the Government which made the attempt, let that charge be brought, and let it be inquired into. There is a third way; that is to say, where an hon. Member has used words affecting the honour and integrity of other hon. Members of this House, and has neither the proof to bring forward in order to substantiate his charges, nor the manliness to retract them, and acknowledge he has been in error. Now, Sir, unless I hear from the hon. Gentleman that he is ready not only to name the Gentlemen to whom he refers, but to bring the specific charge or charges against those Members and against the Government, which can be made the subject of substantial inquiry, I must rest upon the last conclusion with regard to his conduct.

Question put, and *agreed to.*

Words taken down as follow:—

"That the grossest corruption ever practised in the days of Walpole and the Pelhams, has been practised under my own eyes upon Irish Members in this House."

Words to be reported:—Committee to report progress, and ask leave to sit again.

House resumed.

MR. SPEAKER having taken the chair,

MR. BOUVERIE said: Sir, I have to report to the House, by direction of the Committee, that Mr. Duffy, Member for New Ross, has used the following expressions:—

"That the grossest corruption ever practised in the days of Walpole and the Pelhams has been practised under my own eyes upon Irish Members in this House."

MR. SPEAKER: It has been reported to the House that the hon. Member for New Ross has used the following words:—"That the grossest corruption ever practised in the days of Walpole or the Pelhams has been practised, under my own eyes, upon Irish Members in this House." Has the hon. Member anything to say in explanation or retractation of these words?

MR. GAVAN DUFFY: I desire to say I am not acquainted with the forms of the House, and do not know what is aimed at in this proceeding. Will Mr. Speaker tell me what is the course I am expected to take?

MR. SPEAKER: The hon. Member asks to be informed of the course which the House expects him to pursue. It having been reported to the House that the hon. Member has used expressions in the Committee which have been considered offensive to other hon. Members, it becomes my duty to call upon the hon. Member to explain or retract the words which I have read to him, and which had been taken down by order of the Committee. When the hon. Member has made either his explanation or retractation, he will withdraw, and it will be for the House then to say what further course they will pursue.

MR. GAVAN DUFFY: It will be in the recollection of the House that the statement I made was this—that though I had been only a short time in this House, I believed I had observed corruption practised towards Irish Members by the present Government of a character with that corruption which had, for similar purposes, been practised by Ministers whose names are familiar to the House. I am called upon for an explanation or retractation of that statement. If this House thinks proper to give me a Committee, I will lay before the Committee the facts that have influenced my mind in coming to that conclusion. I do not know whether it is quite reasonable to expect that in this hurried manner I should go into any statement of facts. But this I will certainly say, that the statement I made I have substantial grounds for believing; and I can only offer such proof to the Committee you may appoint as influences my own mind. But as I am about to withdraw, I do not think it is quite reasonable to expect me to proceed further without notice.

[And then he withdrew.]

LORD JOHN RUSSELL: I rise, Sir, only to say that the words used by the hon. Member contain a general charge against the Government, and certain Irish Members not named. Being in the situation of a Member of the Government, I do not think it would become me to advise the House as to the course that they should pursue; but I hope some experienced Member, well acquainted with the forms and precedents of the House, will offer that advice, and make a Motion on the subject.

MR. DISRAELI: I do not pretend, Sir, to be a very experienced Member, but I hope I may be allowed to express the general feeling of those who wish to take a fair and unimpasssioned view of what has taken place. I do not think the House ought to appoint a Committee to inquire into a charge of so grave a character on so vague a statement. At the same time that statement is of so substantial a nature that I do not think we ought to treat it with contempt. I think the hon. Gentleman the Member for New Ross ought to be summoned to his seat; and that you, Sir, should address him and require him to state the names of the individuals on whom he thinks the Government have practised these corrupt influences. I think it would be unreasonable to expect hon. Members, certainly at an unexpected moment, to enter into minute details; but I think he ought to be called upon, in his place, to name the Members against whom the imputation is made; and there will then be sufficient foundation for the next step, which will be to appoint a Committee to inquire into the subject.

MR. STUART WORTLEY: Sir, I am one of those who have been anxiously waiting in hopes that the hon. Member for New Ross would take some course which would have relieved the House from its present position. I will not trust myself to use any other expression—but I cannot, for the life of me, understand how that hon. Gentleman, after the language held, and after the explanation he has attempted to give, can reconcile himself to the course he has thought fit to pursue. But, Sir, on the other hand, I think, perhaps, it would be unwise and imprudent if we were hastily, and at a moment's notice, in the present state of feeling in this House—above all in the present state of feeling which may be presumed to exist in the breast of the hon. Member himself—if we were to call hastily and without reflection upon him to substantiate or to retract charges of this grave character. On the other hand, I think the House is bound to require of that hon. Member, at a fitting time and in a fitting state of mind, either to retract the expressions which he has used, and apologise to this House for the offence he has given, or in a manly, bold, and constitutional manner, himself to move that Committee which he professes to desire. I do not know what course will reconcile all the difficulties of these circumstances; but I should venture very humbly to propose that this debate be adjourned till to-morrow. By that time the House will be able to consider what is the best course to pursue. It will give you, Sir, and all of us, time to consult precedents, if there are any; and it will give, also, opportunity to the hon. Member to reflect on what has passed, and to take the advice of his friends on the subject. I am quite sure there is no desire on the part of the House to hurry the hon. Member into a course which may be utterly destructive of his character, and I advise the House to pause before doing so. I, Sir, move, "That the words used by the hon. Member for New Ross, in Committee, and reported to the House, be taken into consideration to-morrow."

Mr. G. H. MOORE said, if the House were disposed to deal justly and generously with the hon. Gentleman who had made such grave charges against the House, he thought a reasonable time ought to be given. Whether they ought to be substantiated, or ought to be retracted, it was only fair and just to give a reasonable time to the hon. Member to consider the course he would pursue.

Mr. KIRK said, that as one of the Irish Members resting under this ban, he felt that under the peculiar circumstances, and at the peculiar hour at which this debate was going on, it was very unpleasant and very uncomfortable to every one that it should be adjourned. But the House would bear in mind that all this would be printed in all the papers to-morrow morning, and circulated in the course of Saturday and Sunday to the most remote corners of Ireland; and Irish Members would most likely have to remain under the imputation for an entire week. Therefore, he thought they ought to adopt the course recommended by the right hon. Gentleman the Member for Buckinghamshire.

Col. J. M. CAULFIELD said, whether the words used by the hon. Member for New Ross were or were not disorderly, or whether they escaped in the heat of debate, or with deliberate intention to give the impression, they certainly were offensive to a great number, perhaps to the whole House; and he could only say for himself and his hon. Friend who sat near him, that they considered them as insulting. He, therefore, begged to oppose the adjournment of the debate, and cordially agreed with the right hon. Gentleman opposite (Mr. Disraeli), who had suggested that they should call the hon. Member for New Ross to his place, and if he then refused to retract the expressions, or to name the persons against whom he made them, the House should proceed accordingly.

Mr. BRIGHT thought the hon. Gentleman who had just spoken had used the very strongest argument for the House to take the course recommended by the right hon. Gentleman the Recorder of London; and considering the position he held, his advice upon a question of this nature was particularly valuable. The hon. Gentleman said the words were offensive to the House; and to the Irish Members, he might say, insulting. He (Mr. Bright) did not blame the hon. Member for being actuated by those feelings; but being actuated by them, he asked the House to come to a conclusion on this question at once—["No, no!"]—so far to come to a conclusion, as to require the hon. Member for New Ross to come in and give the names of those against whom he was prepared to bring charges— ["Retract, retract!"] The hon. Gentleman had already told the House he was not going to retract. That being the case, it appeared to him, however much the hon. Member had transgressed the Orders of the House, however much he had offended any Members of the House, they would be only guilty of conduct equally hasty, and, perhaps, equally unjustifiable, if, acting under those feelings, they took any sudden or hasty course upon it. It was after Twelve o'clock. The question had been bandied about for the last hour, and it would not be doing justice to the character of that House if they did not adopt the suggestion of the right hon. Gentleman the Member for Buteshire. He spoke without any kind of bias on the matter. He believed the hon. Member for New Ross was under a delusion with regard to what he had said as to Irish Members; but he thought it would be taking a course below the dignity of the House if they did not postpone until to-morrow their decision upon the question. He thought, after they had discussed and talked it over, they would be likely to take a clearer course; and he indulged the hope that the hon. Member for New Ross, after having slept on this matter, would come down and make an explanation so full and satisfactory, that no further proceedings need be taken.

Mr. V. SCULLY: I would object to any Motion which could take any hon. Member by surprise. I regret very much that any Irish Member should have placed himself in this position, and have refused to accept either the advice which was tendered by the noble Lord the Member for Tiverton, or the construction given by his own Friend the hon. Member for Meath. As an Irish Member myself—as one who voted not for the Government nor for an income tax, but for a remission of the consolidated annuities, I think the sooner this charge is brought to an issue the better. No hon. Member has a right to assert anything like a libel upon his brother Members without being able to substantiate it; and, notwithstanding the advice of the hon. Member for Manchester (Mr. Bright), who has not in his keeping the personal honour of the Members for Ireland, and who, I trust, has not been "operated on" by his relative the Member for Meath (Mr. Lucas), I do hope that an immediate conclusion will be arrived at. I beg to call to the minds of hon. Members what occurred. I had spoken on the question of the consolidated annuities, and I had stated that there were English Gentlemen representing Irish constituencies who took a different view of that question from me, and who were not interested in the land of Ireland. The hon. Member for New Ross, in noticing this point of my speech, turned to me and, addressing me personally, stated that, if there were Members on his side of the House who had no interest in the consolidated annuities, neither had they any interest in Downing-street. Following that up, the hon. Member stated that there were some few Irish Members of this (the Ministerial) side of the House who had given conscientious votes the other evening; whereupon some of us called out, "Some few, indeed!" but no explanation was given. Following up the same point still, and looking at us here pointedly, he used the offensive expressions which have been referred to, and which every one of us understood as an extremely gross insult. We called out "Name, name!" and the hon. Member said over and over again, "I am perfectly ready to name." I confess I wish the hon. Member, for his own sake, would now come in and either retract or satisfactorily explain his expressions, or that he would adopt the alternative suggested by the right hon. Gentleman the Member for Buckinghamshire—that is to say, that if he will not either retract nor explain, he should do what he repeatedly said he was quite prepared to do—name the Gentlemen to whom he alluded; and then, if any hon. Gentleman thinks it necessary, let him move the adjournment.

Mr. CONOLLY said, he was most happy to say he was not in the House when—as he collected from what had fallen from hon. Members—some disgraceful scene must have occurred; but he must submit that the course indicated by the right hon. Gentleman the Recorder of London seemed to him at least the most desirable to adopt. He would suggest that, if offensive expressions had been used, time should be given to the hon. Gentleman to reflect maturely upon them, and he doubted not not that he would then come down calmly, like a man of honour and a gentleman, either to apologise and retract, or to adhere to and to substantiate, the charges he had made.

Lord JOHN RUSSELL: I stated to the House before that I did not think it would be becoming in me to point out what course it ought to pursue. Since then two courses have been suggested, one by the right hon. Gentleman the Member for Bucks, the other by the right hon. Gentleman the Recorder of London. The right hon. Member for Bucks suggests that if the hon. Member for New Ross will state certain names of Gentlemen he alluded to, a Committee shall thereupon be appointed for the purpose of investigating his charges. Now, I must be allowed to state that I do not think that course is the proper one for us to pursue. It seems to me that, whatever may be the consequence, it would be a very unbecoming course in us to expose those hon. Members, without any apparent reason or cause, to the imputation implied in such an inquiry. In cases of this kind, there ought, I think, to be some sort of charges affixed to persons who are supposed to be guilty, and that merely appointing a Committee to inquire into the conduct of Members would be a very unjust and unbecoming course for us to adopt. The proposition of the other right hon. Gentleman will, I think, be the better, as it will give time to the hon. Member for New Ross to reflect, and to the other Members of the House to consider what course should be taken. I certainly have often found that by a little delay in such matters, cases which were exceedingly difficult have been easily brought to a conclusion; and, therefore, I am prepared to support the Motion of the right hon. Gentleman the Recorder of London.

Mr. J. BALL: As I have been personally alluded to by some hon. Members, I beg to say that I should be the last to wish to put the hon. Member for New Ross in a position where he might be tempted to utter things which it would be difficult to retract. At the same time, with reference to the suggestion of the hon. Member for Cork, that the hon. Member should either at present or to-morrow adopt the construction which had been put upon his words by the hon. Member for Meath, I have to say that that would neither be creditable to himself nor to the House; and, therefore, in expressing my concurrence in the views of hon. Members who have suggested an adjournment of the debate, I do so in the hope that the House at its reassembling will see that the charge which has been made is met in a proper way—in a way, I mean, in which such a serious charge should be met. I beg to say, at the same time, that I did not understand that the hon. Member looked at me when he made the charge. It never entered my head that he did; and, if it had, I do not say that I should have been so forward to move in the matter. But the hon. Member having cast—I will not say a slur—but one of the heaviest imputations possible on a large body of hon. Members who sat behind me, I cannot think but that it was due to them, as well as to myself, to take the course I did.

Mr. Serjeant SHEE: I am not in the position of the hon. Member for Donegal (Mr. Conolly) for I have heard the whole of this unpleasant discussion; and I must acknowledge that I am not at all surprised that hon. Gentlemen opposite, my colleagues in the Irish representation, should have taken offence at the words of the hon. Member for New Ross. At the same time I confess I did not understand them, nor do I think that they, upon deliberation, can understand them in the offensive sense which has been put upon them in this House. [*Dissent.*] Do allow a man who speaks for an absent man to state in a few words what occurs to him as the true explanation of these expressions. The words used by the hon. Member, as well as I recollect them, were these—"That corruption as gross as had been practised in the days of Walpole and the Pelhams had been brought to bear, under his own eyes, on the Irish Members of this House." Now, is there a single man in this House who believes that the hon. Member meant by the use of those words to say that in his presence, under his own eyes, anything like pecuniary corruption has taken place. [*Confusion.*] Hear me; I cannot say everything at once. Does any one, I say, believe it was the intention of the hon. Member to state that under his own eyes anything like pecuniary corruption had taken place? ["Yes, yes!" *and* "No, no!"] The hon. Member for Tavistock (Mr. R. Phillimore) may think so; but I am perfectly sure that every man at all acquainted with the Irish representation, or with the hon. Gentlemen opposite (the Irish supporters of the Government), must know—and they know themselves, every one of them—that nothing of the kind was intended. That does not conclude the question I admit, because there may be other kinds of corruption than by pecuniary bribes; for instance, if any one—as at elections—had been proved to have given offices away, or to have used influence obtained in that way for party purposes, it would have been corruption in the ordinary sense of the word, though not pecuniary corruption; and I cannot help thinking that if hon. Gentlemen opposite will get rid of that feeling of irritation which has naturally been excited by the use of words such as the hon. Member used, they may, and must, find in them a meaning different from what they had supposed: they would come to the conclusion that those words did not impute personal dishonour to any Member of the House, did not impute anything of which the right hon. Gentlemen on the Treasury bench ought, can, or will, when the thing is properly understood—[*Laughter*]—ought, I repeat, to be in the least ashamed. [*Confusion.*] I must claim to be heard for an absent man. I must ask the House to permit me for a moment to call their attention to the position in which the hon. Member for New Ross stands, and to the feelings which may well account for the language he has used. The hon. Member has only been a short time a Member of this House. He came into it a Member of a party sixty or seventy strong, pledged, as he believed, by every assurance that could bind men together in political life to oppose every Government—[*Great laughter.*] Do let me speak—do let me submit to the justice and generosity of English Gentlemen, whether it is right to interrupt a man in the middle of a sentence, and to put a meaning on his words which those who hear them know that they are not intended to convey. I repeat it—a party sixty or seventy strong—["Fifty, fifty"]—well, let it be fifty—pledged to oppose every Government which did not support certain measures which the hon Member, and, let me add, a great majority of his countrymen, deemed essential to the interests of their country. Now, I ask the House to consider what I suggested, that corruption may be by office, as well as by money. Now, let us see, then, if we cannot find a meaning for these words, which impute no personal dishonour to my friends opposite, in any sense in which they would understand it as dishonour, but which may, in the sense in which the hon. Member used them, imply a sort of corruption practised in the days of Walpole and Pelham. During the early part of this Session, when the right hon. Member for Bucks was in office, that party, fifty or sixty strong, went as one man—we went together—into the lobby and overthrew the Government. The next day the Government was changed and office given to some of the Members of that Irish party. Now, I do not share many of the opinions of the hon. Member for New Ross, and I do not take so determined a view of Irish politics as he may legitimately and naturally do. I am one of those who think that the two hon. Gentlemen who were promoted, being men of unexceptionable character in public and private life, men of distinguished ability, and men who had opposed the noble Lord (Lord John Russell) when he was in office—it may at least be a matter of doubt whether the Government in offering office to these Gentlemen did not mean to offer an earnest and token of conciliation to the Irish Catholic representatives in this House. But that is not the view taken in Ireland—that is not the view taken by the hon. Member for New Ross. I have not a doubt that when he talked of corruption being practised under his own eyes since he had a seat in Parliament, he meant to say that hon. Gentleman, Members of this House, had been induced to abandon the course they had previously taken, and had declared their determination to pursue; and that the Government had broken up the party, and had purposely determined to break its strength in this House, by giving these Gentlemen office—by arts of influencing Members that were used in the days of Walpole and Pelham to influence Members of the House. I have heard the office of Solicitor General spoken of as an inferior office. Now, we don't consider it so. Neither do I think a Lordship of the Treasury a very inferior office. I beg to be understood as not speaking disrespectfully of a Lord of the Treasury, whom I know to be a most respectable Gentleman, and a member of a most respectable profession. But this I will say, that it was a high promotion to him—a Lordship of the Treasury. Now, let me ask hon. Members to consider if there be not some ground for thinking that the words used by the hon. Member for New Ross were not used in the offensive sense to hon. Gentlemen opposite which they seem to imagine. We all know that when an hon. Gentleman receives a place, no one believes that it was intended he should receive a bribe; and, therefore, I cannot help saying that I do think it would be somewhat hasty to judge the hon. Member for New Ross too severely, and that it is possible, after all, that when an explanation is given it will be found that what I have said was his meaning, because, having had an angry discussion with the hon. Member for Athlone, and the late Member for Carlow, he was reluctant to mention their names in his place, and impute as dishonest conduct to them what all their friends probably knew to have been nothing of the kind. I have only one other word to say. You cannot exactly put yourselves in the position and feel in the same manner as those feel, who, having the deepest interest in the happiness of their country, thought the best way to promote that happiness was to maintain a strong compact party in this House. Those who so felt had been greatly disappointed at the course adopted by some Members of that party, as far as we knew, without any pledge whatever—as far as we knew, without any assurance —of those measures being carried, or even considered, which we deemed essential to the happiness and interest of the country we were sent here to represent, and the general well-being and prosperity of the country at large.

Sir GEORGE GREY: I am anxious to call the attention of the House to the question before it. The only question proposed from the Chair is that submitted by the Recorder of London, that the consideration of the subject be adjourned to this day. No other course has been recommended in the shape of a Motion by any other hon. Member. Now, I think the House will act wisely in agreeing to that proposition. I think a few hours' deliberation will induce the hon. Member for New Ross to take that course, which, after having uttered the words which I think were uttered in the heat of debate, and not with deliberation—I think the hon. Member will be induced to take that course which any other hon. Member would take under such circumstances. I think it most desirable that we should allow the interval asked for by the hon. Member, and that it should not be alleged that he is taken by surprise, and called upon to come to an immediate decision. In recommending that course, I beg it to be understood that I should not feel justified in recommending it if I thought the slightest imputation rested on any hon. Member to whom that language was justly offensive. I think in granting the request for delay, we are best consulting the dignity of the House, while we do not leave a stain of imputation on any hon. Member. I trust, therefore, that as no other proposition has been submitted, the House will agree to the Motion now before it. If the House does agree to that proposition, I trust the House will deprecate the discussion of topics like those introduced by the hon. and learned Gentleman who spoke last.

Mr. J. D. FITZGERALD approved of the course recommended by the noble Lord and the right hon. Gentleman who had last addressed the House, and trusted, after a few hours' reflection, the hon. Member for New Ross, who, no doubt, had been acting under feelings of considerable excitement, would adopt the course which had been suggested.

Mr. W. O. STANLEY moved, as an addition to the Motion already before the House, that the hon. Member for New Ross be required to attend in his place at four o'clock this day.

Ordered—That the words spoken by the hon. Member for New Ross, in Committee, and reported to the House, be taken into consideration *this day.* [It was now past 12 p.m.]

Ordered—That Mr. Duffy do attend this House in his place, *this day.*

RYE ELECTION.

Order read, for resuming adjourned Debate on Question [2nd May], "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Baron to serve in this present Parliament for the Town and Port of Rye, in the room of William Alexander Mackinnon, esquire, whose Election has been determined to be void."

Question again proposed.

Debate *resumed.*

Mr. BASS presented a petition from certain inhabitants of Rye, which stated, that, as it was proved before the Committee, which sat lately to inquire into the election proceedings at Rye, some sixty of the electors were under the immediate control of one Jeremiah Smith, by means of lending them various sums of money, they begged the House would not issue the writ for a new election for Rye without further inquiry, and praying the House to provide some remedy for this corrupt state of things. He also begged to move the adjournment of the debate.

Mr. TUFNELL said, he had been entrusted with another petition on the same subject, with a different prayer. For himself, he cared not which way the House decided the matter, but he thought they must adopt a decision for inquiry.

Mr. WALPOLE said, it was true the Committee had made a Report on the subject, but as the evidence was in the hands of the House, they had no means of knowing on what grounds the Report was made, nor the circumstances of the borough, except from what took place during the last discussion in that House. Now in that discussion it appeared that no less than 15,000*l.* had been lent out in loans at the election of 1847 for that small borough; and at the last election there had been something like 6,000*l.* lent—or at least a very considerable sum. A question had been raised whether loans of money in that way did not come within the meaning of the last Act as well as bribery. Now, without giving an opinion as to whether the writ should be suspended, or a Commission issued, he thought, upon the statements made in the late debate, it was important that the House should have the whole of the evidence before them.

Lord JOHN RUSSELL said, he agreed with the right hon. Gentleman. He found that, in the case of the borough of Lyme Regis, similar corrupt practices prevailed. He understood from the Chairman of the Committee in this case that the reason for not issuing a Commission was, that all the corruption which could be proved before it had been already ascertained by the Committee. If that was a good reason for not issuing a Commission, it was also a strong reason for postponing the issue of the writ. He (Lord J. Russell) had his doubts whether, in fact, any writ should again issue for the borough of Rye.

Sir JOHN SHELLEY asked whether it was possible for a Commission to issue where no Report had been made of excessive bribery having taken place. What had been gained by the postponement of this writ? He understood, that, with regard to Berwick, the House had decided to issue a writ without waiting for the evidence taken before the Committee. The House agreed to the issue of the writ on the mere statement by the Chairman of the Committee that they were in favour of the issue. He (Sir J. Shelley) understood that the Rye Committee had taken a similar view of that case. [*Cries of* "No, no!"] He was under the impression that the Chairman of the Rye Committee had said that he was in favour of the issue of a writ. ["Yes!"]

Mr. KNOX: The Committee had given no opinion upon the question of the issue of the writ.

Sir JOHN SHELLEY: But the House had.

The LORD ADVOCATE: Whatever decision the House might come to, it was desirable, in so peculiar a case as this, that the evidence should be printed. One of the peculiarities of the case was this, that the corrupt loans, upon which the investigation proceeded, and upon which the Report turned, were absolutely made as far back as 1832.

Mr. Walpole

Mr. TUFNELL thought it was too late to proceed with this discussion.

Debate *further adjourned.*

SHERIFF COURTS (SCOTLAND) BILL.

The LORD ADVOCATE said, he would now propose to nominate the Select Committee on this Bill.

Mr. COWAN said, he must suggest that it was too late to proceed with the nomination to-night; and he would also suggest that one of the Members for Edinburgh, which was the seat of the Law Courts in Scotland, should be added to the Committee.

Mr. CRAUFURD said, he objected to the constitution of the Committee, and expressed his hope that the nomination would be postponed.

The LORD ADVOCATE said, that he had applied, unsuccessfully, to several Scotch Members to serve.

The Committee was then nominated.

Mr. CRAUFURD then moved that the Committee should have power to send for persons, papers, and records. It might be said that further evidence was not requisite; but he believed that the great preponderating feeling in Scotland was decidedly opposed to the system of double sheriffs, and was in favour of the change in the constitution of appeal which he had suggested. He would press his Motion at present, and he would divide the House upon it.

The LORD ADVOCATE said, he had announced, on a former occasion, that it was not his intention to take evidence before a Committee. Further evidence was unnecessary. There had been the strongest feeling expressed in favour of the Bill from all classes in Scotland, and he would not consent to hang up the Bill until August upon a merely abstract question. He would, therefore, oppose the Motion.

Mr. EWART said, he should support the Motion. He would take the sense of the House, on a future occasion, as to single or double sheriffs.

Mr. DUNLOP said, he should also support the Motion; he felt convinced, that, if the measure were carried without deliberate inquiry, it would only unsettle and disturb, and prove in no manner satisfactory.

Mr. COWAN thought it was not desirable this discussion should take place in the present state of the House. He should move the adjournment of the debate.

MR. ALEXANDER HASTIE hoped that the right hon. and learned Lord Advocate would accede to the Motion of his hon. and learned Friend (Mr. Craufurd).

MR. CHARTERIS said, that the feeling in Scotland was unanimous in favour of some change in the present system. The only effect of enabling the Committee to take evidence would be to prolong the inquiry to the end of the Session. He would recommend his hon. and learned Friend (Mr. Craufurd), who had a Bill on the same subject as this Bill, which stood for a second reading on Wednesday next, to withdraw his present Motion, and allow the question as to whether there should be one or two sheriffs to be discussed on that day.

Debate *adjourned* till *Wednesday* next.

The House adjourned at a quarter after Two o'clock.

HOUSE OF LORDS,

Friday, May 6, 1853.

MINUTES.] PUBLIC BILLS.—3^a Registration of Assurances; Lunacy Regulation; Lunatic Asylums; Lunatics Care and Treatment.

THE LUNACY BILLS.

The EARL of SHAFTESBURY said, he trusted that their Lordships would allow him, having been unavoidably absent from the discussion, to say a few words in respect of the Lunacy Bills which passed through the Report on Tuesday evening. He was anxious to express his sincere thanks to the noble and learned Lord (Lord St. Leonards) for the trouble and attention he had devoted to those Bills, and to state his belief that they would greatly improve the law for the regulation of the property of lunatics, and for their care and treatment. He must again urge on the attention of the Government and the House the necessity of making some arrangements for the separation of criminal from other lunatics; the evil of confining them in one asylum and under one system was very great. He had no doubt of the benefits to be effected by the amendments of the law—he would, however, state his conviction, the result of many years' experience, that no control or superintendence would be effective so long as private asylums were permitted to exist —meaning by "private asylums" establishments into which lunatics were received for profit, and where the proprietor derived a positive gain from their insufficient treatment or prolonged detention. He feared that the public mind was hardly ripe for such a plan; it was, however, worthy of their Lordships' future consideration.

LAW OF EVIDENCE AND PROCEDURE.

LORD BROUGHAM begged to call the attention of their Lordships to the Bill he had recently introduced, and which had passed the second reading before the recess, for the Amendment of the law of Evidence and Procedure. He was then inclined to the opinion that it would be expedient in Committee to divide the Bill into two; and that those clauses upon which there was no material difference of opinion should be passed, whilst those upon which there was not so much agreement should be reserved for a separate Bill. This intention and opinion, then half formed, had been mainly confirmed by a most important document laid upon the table of the House a few days ago, namely, the second Report of the Commissioners for inquiring into the Process, Practice, and System of Pleading in the Superior Courts of Common Law. The Commissioners had, without any communication with him, and without any reference to the proceedings before their Lordships, arrived at an opinion, after great and most patient inquiry, in favour of the most material parts of the Bill now on their Lordships' table. But upon one of the subjects to which the Bill related—and in his apprehension the most important of the whole—he lamented to say they had not come to the same opinion—he hoped and trusted only because they had not examined the question, and had not reported upon it. He alluded to the great subject of the protection of witnesses against answering questions tending to criminate themselves. However, with regard to other most important matters respecting trial by jury, and all the great provisions of the Bill, whether as to Procedure or as to the law of Evidence, the Commissioners had well considered the matter, and had come to a conclusion in favour of his proposed enactments. He deeply lamented on this occasion the continued absence, from bad health, of his noble and learned Friend the late Lord Chief Justice (Lord Denman), because he knew the infinite gratification that noble and learned Lord would receive from a perusal of the report; it did ample justice to that great Judge and lawgiver, as to the value of the measures which he had introduced; and he (Lord Brougham) believed that his noble Friend would hardly feel less satisfaction than himself with regard to the alterations proposed in the report upon the rules of evidence which had as yet escaped reform. He gave notice that on Monday next he should name an early day for going into Committee on the Bill to which he had referred, with the view of separating it into two parts.

Lord CAMPBELL suggested that the Bill should be referred to a Select Committee.

Lord BROUGHAM thought it unnecessary to refer the Bill to a Select Committee, because he should propose to leave out of the Bill all the parts on which doubts had arisen.

REGISTRATION OF ASSURANCES BILL.

Order of the Day for the Third Reading read.

The LORD CHANCELLOR moved that the Bill be now read 3ª. Having already addressed their Lordships twice on the subject of this Bill at considerable length, he should not now think it necessary to detain their attention for any great period of time. The objections to the measure had been mainly urged by his noble and learned Friend (Lord St. Leonards). To those objections he had given the best attention in his power, and he had, in every case where he deemed them to be of importance, endeavoured to meet them. One was certainly a most material consideration, namely, the question of costs. This was a subject to which the attention of the Select Committee had been specially directed. It was said that in consequence of the proposed registration additional costs would be thrown upon the purchasers of small estates; and this objection, he thought, had been met by the Bill as it now stood. Undoubtedly, before their Lordships passed the third reading they ought to be satisfied that the measure was essential, or at least important, to the security of titles generally; and if they were so satisfied, then, though they might regret that the necessary charges would press more hardly on small purchasers than on the larger, still that would not constitute an insuperable objection to the proposed amendment of the law. The time was when landed property was transferred without any writing, but by word of mouth; and when the alteration was made requiring written evidence of the change of ownership, no doubt the effect pressed hardly on small purchasers. The change then made was of a much greater character than that now proposed; but the Legislature considered that it had to deal with the whole community, and to protect all where all were in want of protection. Therefore the change was made. In like manner, as the object was to give greater security to titles, he could not admit the validity of the reason that, because there might be extremely small purchasers as to whom the costs would bear a larger proportion to the value of the property than in estates of greater magnitude, therefore the measure ought not to pass. Nevertheless, in order to meet the objection which was urged, the Committee came to the determination that, in all purchases where the purchase-money was under 200*l.*, no fee whatever should be payable for registration. The noble and learned Lord (Lord St. Leonards) had argued that any such exemption would make larger purchasers unjustly pay for smaller. When, however, it was considered that the largest purchasers would not have to pay a fee above a few pounds, the alleged grievance was scarcely worth consideration. The calculation showed that if there were only half of the 80,000 deeds registered in the year above 200*l.*, the registration fees would pay all the expenses. Another matter for consideration was, that though the Bill would impose a slight additional charge of under 2*l.* on small purchases above 200*l.*, yet, in respect to one-fifth of the population of the country, registration was now necessary. In Yorkshire and Middlesex the inhabitants amounted to more than one-fifth of the entire population, and in those counties there was now a charge for registration very much greater than would be payable under the proposed system, and as regarded these, therefore, the cost would be reduced. Small purchasers would also derive security from it quite as much as large purchasers. Since he last had the honour of addressing the House on this subject, he had received a letter from a gentleman of the highest respectability in Suffolk, stating that, as the owner of three-fourths of an estate in Warwickshire, he purchased the remaining fourth, and after it was conveyed to him, and before he was in possession six months, he was called on by a mortgagee who had a mortgage on the purchased property for half its value, which the purchaser was obliged to pay. Great security would be given by the provisions of the Bill in such cases as that. He had received communications to the effect that the Bill did not go far enough; and that the only real remedy for the evils complained of, in reference to this subject, was the simplification of the laws of real property, or, in other words, the doing away with the rights of property and settlement according to the existing laws. He was not prepared to introduce such a change as that; but the present Bill was the natural foundation for every further change or improvement. He had upon the report of the Bill moved the insertion of certain words giving compensation to the clerks of the Master with whom judgments were registered; but, on consideration, he concurred in the opinion expressed by his noble and learned Friend (Lord St. Leonards), that they were merely the servants of the Master, and therefore he now proposed to strike out those words.

Lord ST. LEONARDS said, that in rising to oppose the third reading of the Bill, he would so far imitate the conduct of his noble and learned Friend as not to fatigue their Lordships by any long consideration of the merits of the question of registration. He would assume, for the purpose of discussion, that registration would be beneficial if it could be put upon a system that would work well. But his objection was, that the Bill would not work for the purpose for which it was proposed. On a former occasion he had drawn their Lordships' attention to the remarkable circumstance that for two centuries a desire had been entertained to have a Bill of this nature; but one had never passed, because nobody could ever hit upon a scheme which would be practical. The present Bill had been at least nine or ten times before Parliament, and it had never yet become law. Twenty-four or twenty-five years ago he had opposed this very Bill, which for many years had been regularly introduced into that or the other House Session after Session, under the belief that it was as perfect as it was possible to make it. In the year 1850 the Commissioners, who had had the subject under their consideration, presented a series of most elaborate reasons, which had never yet been answered, why the scheme would not work. A majority of them were of opinion that no scheme of registration would work without a map, which they recommended. They showed that without a map the scheme would not only work mischief, but that it would cost a million of money to bring it into operation within any convenient time. It would require years to make the map efficient. Now the present scheme being without a map would not work to any beneficial purpose, but would, he believed, increase the evils it was intended to prevent. Next arose the question of costs. His noble and learned Friend was of opinion that they would be very trifling. Why did he not venture to put them into the Bill? But the costs, and everything relating to the practical working of the measure, were kept out of the Bill. Five-and-twenty years ago it was intended to have a schedule showing what the expenses would be; but at present the rules and regulations to be observed were to be left to the registrar, to be propounded and altered according to his will; so that there was nothing to show how the measure would work. Now, he contended that the machinery requisite for working the Bill would prevent the possibility of the costs being low, independently of the objection that the scheme would not work well. Compensation would be required to be given to existing officers; and by whom would it have to be paid? By the landed interest. There was nobody else to pay them. And what was the estimate of the expense? The Bill contained none, nor was any given upon which reliance could be placed. His noble and learned Friend had said that only 100,000 deeds would be registered in a year; but the Incorporated Law Society, in their petition to their Lordships, stated that the number could not be less than 300,000. On an average there could be 1,000 every day. Seeing that the whole property of England would have to come under the Bill, he believed that this estimate would be found moderate; at all events, the amount of business would be so considerable that the place would be in the greatest confusion, unless an amount of expense was incurred for accommodation, of which it was impossible their Lordships could have an adequate idea. The expense of this measure would not be less, he believed, than 1,000,000*l.* a year; but there would be, in addition to the expense of registration, all the costs of the solicitors employed. Let their Lordships consider, then, the great expenditure thus thrown upon the landed interest. In order to conciliate small proprietors, his noble and learned Friend had inserted a clause which exonerated purchases not exceeding 200*l.* from the fees of registration. If they exonerated the small holders, of whom there were tens of thousands, the expense must in that case fall upon the larger landowners. If his noble and learned Friend thought that good would be effected by diminishing the remuneration of the solicitors, he would find he had made a mistake, for nothing was clearer than this—that the work must be paid for, or it would not be done. But then, said his noble and learned Friend, the Bill gives holders the benefit of security for their titles. But this he denied, and they did not ask for it. All they wanted was to be left alone, for they could take care of themselves. But, looking at the Bill in another light, it struck at the root of all rules of equity; and on that ground, too, he asked their Lordships to reject it. Their Lordships would shortly be called upon to pass another Bill which would have the effect of placing upon real property a present mortgage for a large amount, payable upon a contingent event, which might occur from time to time, with this additional inconvenience and difficulty, that a value will be placed upon every man's property by surveyors sent to every estate in the country. Now, let the House observe to what purpose the present Bill would be instantly converted by the Chancellor of the Exchequer. Her Majesty's Government contemplated a measure for taxing every man's real property. The real and personal property of the whole realm was about to be taxed—and the capital of it was to be taxed, for that was the real object of the Government; and it was proposed to tax every settlement of land. What an excellent measure the present was for carrying out this object!—no wonder it excited the admiration of the Government. The Chancellor of the Exchequer said, "I am going to tax settlements of land; how am I to know what land is settled?" "Oh," it would be replied, "here is a general Registration Bill, under which every man must register his settlements;" and the consequence would be that, every Monday morning, the Chancellor of the Exchequer would send his compliments to the Registrar General, and request him to furnish him with an account of the settlements of the last week, in order that in the ensuing week they might be regularly taxed. If their Lordships wished to give facilities for such a course of proceeding, they should pass the present Bill. The proposal of the Government to impose a succession duty was spoken of as a legacy tax. Now, however hard it might be, upon the devolution by law or gift by will, that a portion of the property never possessed should be taken from any person by the State, still he never possessed it, never had the money, and the hardship was the less felt. But what had such a proceeding to do with taxing the means already in possession—the settlement, for instance, that one of their Lordships might make on behalf of his child? Suppose that last week any noble Lord gave to his daughter a fortune, and settled it in the ordinary way upon the husband for life, then on his daughter, and the children afterwards—that would be a settlement of things in possession. The next week the son-in-law might die, and the father would see the property he had settled upon the young couple broken into by the tax, and might live to see it repeated even more than once. This was not dealing with the dead man's property when a portion of it was taken by the State before the property went over, but it was taking from the living man a portion of that which he believed he had settled. One odious thing connected with the proposal was its constant inquisition into property. Every arrangement and settlement connected with property must necessarily be submitted to Government. But did any of their Lordships suppose that the proposition would rest with settlements upon real estate? Would not that proposal be followed up by another Bill to register every settlement of personal estate, in order that the Chancellor of the Exchequer of the day might be enabled to tax personal as well as real estate. In conclusion, he entreated their Lordships to consider whether this was the proper time and these the fitting circumstances for passing a measure of this sort.

On Question, their Lordships divided:—Content 57; Not-Content 29: Majority 28.

On Question "That the Bill do pass;" *Resolved* in the *Affirmative.*

Amendments made.

Lord CAMPBELL rose to express his unbounded thanks to their Lordships that a cause for which he had been fighting for twenty-four years appeared at last to be about to have a successful termination. He trusted that when the Bill which had now received the sanction of their Lordships should be sent to the other House, the fact that it carried with it the unanimous opinion of two Royal Commissions, the opinion of a Committee of the House of Commons, as well as of a Committee of their Lordships' House, in which there was a large majority of Conservative Peers, who thought that better legislation on this subject would be the best remedy for the burdens on land, and the opinion expressed by their Lordships on the same subject in a former Session, would have due weight in the House of Commons. There were, he believed, in that House a most respectable and influential body opposed to the Bill, and who would probably represent it as a mischievous Bill; but there was also a large majority who would not be subject to be influenced by these representations, and who, exercising their own judgment, would approve of the measure, and he trusted that with their support it would soon become law. If it should turn out that the lateness of the Session should prevent the measure passing into law, he would respectfully suggest to the consideration of the Government, that if there should be so important a measure as that of the registration of deeds, or any other important measure for the benefit of the public, that could not properly be considered during the usual limits of the Session, that, instead of a prorogation, there should be an adjournment of the House, in order that when it met again such measures might be taken up at the stage in which they were left.

Lord LYNDHURST said, that two years since he supported a similar measure to the present, which passed their Lordships' House without a division, and he had attended the Select Committee on this Bill regularly from its commencement to its conclusion; and everything which had passed before that Committee had satisfied him that the course pursued on the former occasion was the correct one, and everything he saw during that investigation satisfied him that there was no foundation whatever for those calculations and the results from them to which his noble and learned Friend (Lord St. Leonards) had referred.

Lord ST. LEONARDS, in reference to the statement of the noble Lord (Lord Campbell), said that it was incorrect to say that this Bill was founded upon the report of the Royal Commissioners.

Lord BEAUMONT said, that it was precisely the same as that recommended by the Commissioners, with the exception of the indexes and maps.

Lord ST. LEONARDS said, that the point of difference mentioned by the noble Lord was a cardinal one, and the foundation of everything. The second Commission were of opinion that the plan would not work without a map; and he repeated, therefore, that the Bill before the House had not received the sanction of two Royal Commissions.

Lord OVERSTONE expressed his cordial concurrence with the objects of the Bill, and trusted that the measure would speedily become law. He believed that it might be passed with most perfect safety to the landed proprietors, and the highest authorities of the law had pronounced it as the only true and solid foundation upon which they could hope to build up further improvements in the law of real property. He believed that no measure had ever passed their Lordships' House with a more general sanction of the highest legal authorities, for against the single authority of the noble and learned Lord they had the opinion of the most distinguished men in the country, and the highest legal authorities in the House.

Bill *passed*, and sent to the Commons.

INDIA.

The Earl of ALBEMARLE rose to move for various returns intended to throw light upon the present state of internal communication and irrigation in India. Since he addressed some remarks to their Lordships in connexion with these subjects a few nights since, he had had an opportunity of communicating with two gentlemen recently returned from India, who perfectly bore him out in the statement he then made; they informed him that the roads between Calcutta and Bombay, and Bombay and Delhi, were, as far as regarded the purposes of commerce, merely imaginary roads. They were practically useless, and hardly justified the description he gave of them when he had called them footpaths. Lieutenant Colonel Grant, of the Bombay Engineers, speaking of these roads said—

> "They are mere cleared tracks, unbridged and unmetalled, in which slopes of one in six are no uncommon occurrence."

In 1850 the leading merchants and bankers of Bombay thus expressed themselves in a memorial to the Governor General:—

> "Bombay possesses scarcely any roads. So miserably inadequate are the means of communication with the interior that many articles of produce are often left to perish in the fields, while the cost of those which do find their way to this port is enormously enhanced, to the extent, sometimes, of 200 per cent."

Now, let their Lordships compare that state of things with that which existed in another country—the island of Ceylon; and the comparison was a perfectly fair one, because Ceylon was essentially Indian, being separated from the continent of India, as their Lordships were well aware, only by Adam's bridge. Ceylon comprised an area of less than 25,000 square miles, and there 1,247 miles of road were made serviceable in four years and a half. The British territories in India, together with those of the tributary States through which the roads must of necessity pass, contained an area of about 1,250,000 square miles. If this area were as well furnished as Ceylon, instead of having only 3,159 miles of road as at present, it would have 160,000 miles. It should also be borne in mind, that of the 3,159 miles of road said to exist in India, the only really good road was that from Calcutta to Delhi, which was about 900 miles long; the rest were *in nubibus*, or, at least, "looming in the future." The noble Lord concluded by moving for the Returns.

EARL GRANVILLE stated, that on the part of the Government he would offer no opposition to furnishing the required information.

Returns ordered to be laid before the House.

IRISH REVENUE—POLICE FORCE.

The EARL of DONOUGHMORE wished to draw the attention of the First Lord of the Treasury to the statement made by a right hon. Gentleman (the Chancellor of the Exchequer) in the other House, with reference to the contemplated reduction of the Irish revenue police force. He trusted the proposed reduction would be carried out, for the Irish revenue police were a body for the existence of which there was positively no authority whatever. The constitutional law was, that no troops were to be maintained in this country without the authority of Parliament; and the revenue police were an armed force that had never been authorised by Parliament. His next objection was, that their number was insufficient for the prevention of illegal distillation. It was highly desirable that the Irish revenue police should be abolished, and its duties transferred to the constabulary. It was said to be the intention of the Government to increase the spirit duties in Ireland. A similar proposal was made by the Government of Sir Robert Peel, but the increase was abandoned because it was found that so much illicit distillation took place that the revenue sustained considerable loss, and the country was greatly demoralised. He trusted that, now that a similar intention of increasing the spirit duties was announced, the revenue police force would either be made efficient, or that the Government would consolidate it with the Irish constabulary, who were a very efficient body of men.

The EARL of ABERDEEN said, the noble Earl was under some misapprehension with respect to the declaration made in the other House by his right hon. Friend the Chancellor of the Exchequer. No decision had been taken on this subject by Her Majesty's Government. It was under the consideration of the Government, and no decision would be adopted until they had given the matter great attention. There was a conviction that great care would be necessary before adding to the duties now discharged by the constabulary those which were at present performed by the revenue police force. At present the constabulary enjoyed, not only the respect but the goodwill of the people of Ireland; and the addition of other duties to those they now performed, might materially impair their present efficiency. The subject was now under consideration, and some measure might be produced which might render the existing revenue police force more effective than it was at this moment; but nothing would be done hastily.

LORD MONTEAGLE was astonished to hear the noble Earl opposite (the Earl of Donoughmore) state that the Irish revenue police force was an illegally constituted body of men. The truth was, the existence of an excise police in Ireland was much older than any of their Lordships whom he had the honour to address, and for a long series of years it had been as notorious in Ireland as the existence of a garrison in the city of Dublin. Many years ago it was discovered that an armed excise force was necessary in Ireland; but during the time of his (Lord Monteagle's) tenure of office at the Treasury, it was evident that reform was required, inasmuch as frequent conflicts and occasional loss of life occurred in conflicts between the excise officers and the peasantry, owing to the want of organisation in that force. He flattered himself the case was now otherwise. Since the revenue force had been reorganised, those conflicts had been of rare occurrence. He hoped his noble Friend (the Earl of Aberdeen) would see no objection to produce the documentary evidence bearing on this subject, in order that their Lordships might see in what mode that force was now organised, and what was its present condition. That would only be an act of justice to the force itself. He was glad the Government had not come to a final decision to abolish the revenue force, or to allow it to merge in the constabulary, for the question involved considerations of great importance. At the time the constabulary force was organised, Parliament agreed, although the terms were rather unpopular with the country gentlemen, that the latter were to be restrained from making use of the police for preserving game and fisheries, for collecting tithes or rents; and the Government pledged themselves, on the other hand, that their primary duty should be to preserve the public peace. It was rightly felt that to employ them for any other purpose would be to destroy their utility for the important purpose for which they were organised. He thought that the collection of the revenue was one of those purposes for which it would be found most dangerous to employ them. He should be glad to see illicit distillation put down effectually; but even this advantage might be purchased too dearly if, by employing the constabulary for this purpose, the Government should disorganise the best police force of its class that ever existed in any country. If the Government employed the constabulary to discharge the duties of excisemen, they would be rendered as ineffectual for preserving the peace as for collecting the revenue. The means of corruption by gifts both of money and spirits would be so much increased if the same force had to discharge both duties, that practices of the most fatal kind might be expected to follow such a change. If necessary, let the Government add to the number of the revenue police. Let them pay for the collection of the revenue all that was required; but let them not run the risk of disorganising an excellent civil force by employing them in revenue purposes. He would take the liberty of moving hereafter for copies of any report or communications made by the Commissioners of Excise to the Treasury touching the establishment of the revenue police under Colonel Brereton, and copies of any reports made to the Board of Inland Revenue, showing the present state of the establishment. This evidence would establish the statement he had now made to their Lordships.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 6, 1853.

Minutes.] New Writ.— For Maidstone, *v.* George Dodd, Esq., void Election.

Public Bill.—1° Excise Duties on Spirits.

HARWICH ELECTION COMMITTEE.

Mr. HEADLAM appeared at the bar, and read the following Report from the Harwich Election Committee. The Committee had determined—

> "That George Montagu Warren Peacocke, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Harwich.
>
> "That David Waddington, esquire, is duly elected a Burgess to serve in this present Parliament for the Borough of Harwich.
>
> "That the last Election for the said Borough, so far as regards the Return of the said George Montagu Warren Peacocke, esquire, is a void Election."

ORDER—THE HON. MEMBER FOR NEW ROSS.

Order for Consideration of the words spoken by the hon. Member for New Ross in Committee, and reported to the House yesterday, read.

Order for attendance of Mr. Duffy in his place this day, read.

Mr. SPEAKER: Is the hon. Member for New Ross in his place?

Mr. Duffy rose and bowed.

Mr. SPEAKER: I have to remind the hon. Member of the proceedings which took place last night. The House was informed by the Chairman of Ways and Means that exception had been taken to certain words spoken by the hon. Member. These words were as follows—"The grossest corruption ever practised in the days of Walpole and the Pelhams has been practised under my own eyes upon Irish Members in this House." I have now to state to the hon. Member that if he has any explanation to make, this is the time to offer it. It is scarcely necessary for me to inform the hon. Member, that this House is always willing to extend a large share of its indulgence to any hon. Member, who, in the heat of debate, has allowed expressions to escape him which are calculated to offend either individual Members of the House, or the House at large. I hope, therefore, that the hon. Member will now be prepared to offer such an explanation or apology to the House as the House will be satisfied with.

Mr. DUFFY: I thank you, Sir. I wish in the first instance to set myself right with the House, and then to give such explanation as I am prepared to offer. In the first place, I desire to recall to the recollection of the House exactly what happened. When I was interrupted in my speech last night, it was not by any call to order, but by a challenge to prove what I stated. If I had been called to order, and the Chairman of the Committee had pronounced me out of order, I should have felt bound at once to set myself right with the Committee, in whatever manner the Committee might have considered sufficient for that purpose. But in answer to a challenge to prove my words, I felt then, and I feel now, it was not reconcilable to my sense of conscience and honour simply to withdraw words the truth of which was questioned. After some debate in which several hon. Members took part, Mr. Bouverie was appealed to, and declared that I was out of order. I was then about to rise immediately to take the course which seemed to me to be necessary under the circumstances—to say, in fact, that I was aware that the rules of debate in this assembly, or any other assembly, must not be violated, and if I had violated them I was sorry for having unconsciously fallen into such a lapse—I was about to take that course, when the hon. Member for Buckinghamshire (Mr. Disraeli) interposed, and stated that to charge a Minister or a Government with corrupt practices was not a breach of order, but on the contrary, a privilege, and even a duty of a Member of this House. Under these circumstances, I did not feel that I was bound at once, without waiting for some further debate, to take the course I had previously meditated. Afterwards, the possibility of withdrawing the words, was, as it seemed to me, taken away completely by the conduct which the noble Lord the Member for the City of London thought proper to pursue. The noble Lord stated that I had endeavoured, after making the charge, the truth of which was questioned, to hurry away from the subject, and avoid naming the parties. Now, the very reverse was the fact. I appeal with confidence to both sides of the House. I waited several minutes—a very long time under such circumstances—to ascertain the pleasure of the House. I sat down twice and got up again, and I over and over again said, that if the Chairman, speaking for the Committee, and as the only authority I could recognise, wished me to name, I would name. Neither then, or since, or now, or in any manner, have I avoided the responsibility of proving the allegation which I made. The noble Lord went on to say I could not prove a syllable which I had uttered. I appeal to hon. Gentlemen if, after such a statement, I could withdraw my words, and leave the matter in that position. Would any hon. Member, after it had been stated by a Minister of the Crown that he had made allegations not one word of which he could prove—would any honourable man consent to terminate the dispute by withdrawing the words against which such an imputation had been made? It did not seem to me possible to take that course. After I withdrew, by order of the Chairman, I am informed by some of my hon. Friends, a circumstance occurred on which I wish to offer some explanation. I am told it was imputed to me in the debate which ensued, that I had conveyed, and intended to convey, that money was given to secure the votes of certain of the Irish Members. Now I wish to state that I did not mean to convey that. What I did mean to convey, I will state presently, and very distinctly —but this was not the allegation which I made. What I did mean was this, Sir. I meant that the political profligacy which prevailed in the time of Sir Robert Walpole, and under the Administration of the Duke of Newcastle, when men were induced to abandon the most solemn and circumstantial pledges, and leave behind their reputation and political character for the purpose of attaining place—that profligacy seemed to me to be exceeded by circumstances which had fallen under my own notice since I had been a Member of this House. I meant to charge, Sir, that certain Irish Members had, in point of fact, outrun anything I had ever heard or read of in the discreditable abandonment of notorious and rooted principles, for the purpose—for such is the only way in which I can interpret it, and I think it is the only interpretation it is capable of bearing—for the purpose of their own personal advantage and advancement. If I know what political corruption means, this is political corruption; and, Sir, I repeat now what I have said over and over again in this debate, if it is the wish of the House, I am ready to proceed to specify the individuals whom I mean, and to state what appear to me most cogent facts in sustainment of this allegation. These being my opinions, of course it is quite impossible I can retreat from them. But I wish the House to understand fully this: that if in stating them here—and I have often stated them elsewhere, it is no novelty that I am parading for the first time—if, in stating them here, I have violated any rule of the House, it was beside my intention to do so. I had no wish to offend against the rules for the proper management of business here; and it appears on the authority of the hon. Member for Buckinghamshire, an experienced Member, very doubtful if I have so offended. But if I have, I of course regret it.

Lord JOHN RUSSELL: After the statement of the hon. Gentleman, that I interrupted him in such a manner as to prevent his offering the explanations he is now ready to offer—

Mr. DUFFY: I must be pardoned while I state that I certainly did not say the noble Lord interrupted me. What I did say, was, that after his statement that there was not a word of my observations which could be proved—after an imputation of that kind from a Minister of the Crown, it would not have been becoming in me, as a man of honour, to withdraw the language against which the noble Lord had thrown out such an imputation.

Lord JOHN RUSSELL: The hon. Member having alleged that corruption had been practised upon Irish Members of this House by the Government, in a manner that exceeded the corruptions of the time of Walpole and Pelham; and the debate upon that subject having gone on for some time, as to the character of the words used, I was about to state that if I took any part in that debate, I could not do otherwise, believing there was no truth in these imputations, than deny, on the part of the Government, that there was any truth in them, or any foundation for his assertions. Had I not taken that course, it would have been taken as an admission of their truth. The accusation, or rather the imputation, came, it must be remembered, not from Members of the Government, but from the hon. Member for New Ross; he having made a general statement, I made a general denial. I think I could hardly have done otherwise, without confessing that there was some foundation for his charges. I certainly understood the charges the hon. Member made yesterday evening in a very different manner from what he explains their intended meaning to have been. Now, to prevent any misunderstanding, I wish to be understood that I do not at all mean to imply that the hon. Member did not himself mean yesterday exactly what he has to-day explained to have been his meaning. All I say is, that what was conveyed to my mind then was, that the corruption he spoke of was the corruption which was practised in the time of Walpole, which everybody who has read history knows to have been corruption of this kind—that when the Government was likely to be closely pressed in this House on any question, either by gifts of office or by gifts of money, the majority was decided in favour of the Government proposition. It now appears that the charge of the hon. Gentleman is a charge of a very different description. ["No, no!"] Does the hon. Gentleman mean to say that money has been given? Then the case is of a different description from those of the days of Walpole. What I understand the hon. Gentleman now to say is, that there have been Members of this House who, having given certain pledges, and having expressed certain opinions in Ireland before the body of the people of Ireland, have accepted office from the Government, and have forfeited their pledges, and have gone counter to their former opinions. I do not think I misrepresent the hon. Gentleman when I say that that is his present statement. Now I do not think there is any case in the time of Walpole that at all answers to that description, because there were not at that time questions in discussion in which declarations were made of a similar nature to what are made in the present day. What the hon. Gentleman now states is, that hon. Members, falling from their pledges, and not acting in accordance with the opinions which they had declared, have either accepted office or ranged themselves on the side of the Government; and that their corruption in doing so is equal to, if not greater than, that witnessed in the time of Walpole. I own it does not appear to me that this imputation is at all of the same character as that which I understood to have been intended last evening. I doubt very much whether it is an imputation which can be called disorderly. It appears to me that this is rather a matter of argument for the House; and that they who either have accepted office, or have supported the present Government without accepting office, will have ample opportunities of defending themselves. My belief is that, instead of having acted from any corrupt motive, they have acted in a way that is highly honourable to them; but that is, I say again, a matter of opinion—a matter for discussion; and I am not the least afraid, and I do not think they have any reason to be afraid, of any amount or any length of discussion that may take place on the subject. Whatever may have been the statement of the hon. Member himself, the hon. Gentleman will, no doubt, have heard or read that there have been statements made in Ireland, that Members for Ireland have, from corrupt motives, taken up the cause of the Government, have acted with the Government, have voted with the Government, and have even received money for doing so. That gross charge appears now to be abandoned. I think it better always not to carry these proceedings further than necessary, and I see nothing in the statement now made by the hon. Member which ought to induce the House to carry the matter further; and if only those Gentlemen who were offended —justly offended—last night, will meet the matter in this way, I feel quite sure that the House and the country will feel that they are, not only in ability, but in honour and in honesty, equal to any competitor who may present himself.

Mr. SPEAKER then put the Question, "That the House do now proceed to the other Orders of the Day."

Mr. J. BALL: As I understood the expressions of the hon. Member for New Ross, they were especially directed to the division of Friday last, and I understood him to state that it had been influenced by gross corruption. He now states that those expressions were directed exclusively to transactions which took place four months ago.

Mr. DUFFY: I beg pardon. I did not mean to connect last night my statement with the division of Friday.

Mr. J. BALL: I should be the last person to press anything disagreeable. As regards any personal feeling, I can assure him that I entertain not one particle of hostility. In another place, and in another capacity, however, he has made statements of a peculiar description. Still, if what he said last night had no reference to what occurred upon Friday night, I do not feel called upon, either on my own behalf or on that of hon. Members behind me, to continue this discussion.

Resolved—That the House do now pass to the other Orders of the Day.

THE BUDGET—WAYS AND MEANS—THE INCOME TAX.

House in a Committee of Ways and Means; Mr. Bouverie in the Chair.

Lord John Russell

Amendment again proposed in line 6, to leave out the words "United Kingdom," in order to insert the words "Great Britain," instead thereof.

Mr. FITZSTEPHEN FRENCH said, that he believed they were out of order in proceeding to a division when an hon. Member was clearly in possession of the House—he meant the hon. Member for New Ross (Mr. G. Duffy), who had been interrupted in his speech upon the previous evening.

Question put, "That the words 'United Kingdom' stand part of the proposed Resolution."

The Committee *divided*:—Ayes 286, Noes 61: Majority 225.

Mr. G. H. MOORE complained that the Chairman of the Committee had put the question before calling upon the hon. Member for New Ross to speak—that hon. Member being, according to usage, in possession of the Committee. In order to have this point settled, he begged to move that the Chairman report progress, and ask leave to sit again.

Mr. LABOUCHERE thought, that as the point of order had been raised, and as there seemed to be a difference of opinion on the subject, it was desirable that the point of order should be discussed before the Speaker, and not before the Chairman of the Committees.

Lord JOHN RUSSELL quite concurred with his right hon. Friend. He thought that the question having been raised, and the hon. Gentleman (Mr. Bouverie) having not long occupied the situation of Chairman of Committees, it was desirable that the Speaker should be appealed to on the point.

Committee report progress; to sit again this day.

ORDER—PRECEDENCE IN RESUMED DEBATE.

Mr. SPEAKER having taken the Chair,

Lord JOHN RUSSELL said: Sir, a point of order having been raised in the Committee, and the hon. Gentleman who was in the Chair not having long occupied that situation, it has been thought right by some Members of the House that your opinion, Sir, should be appealed to as to that point of order. The hon. Member for Mayo, who raised the point, will perhaps state to you what it is.

Mr. G. H. MOORE: Sir, when the

Committee adjourned this morning, in consequence of the interruption which had taken place owing to certain expressions which had been used by the hon. Member for New Ross, which expressions were taken exception to, you will recollect that a Motion had been made to take down those words, and that Motion was acceded to, the Chairman reported progress, and asked leave to sit again, and you occupied the Chair. The other circumstances which followed when you, Sir, were in the Chair last night and this evening, I need not, of course, recall to your recollection. To-day, on the question connected with the case of the hon. Member for New Ross being disposed of, Mr. Bouverie was again called to the Chair. It is my opinion, and it is also the opinion of other hon. Members whom I have consulted, that according to the usual forms of the House the hon. Member for New Ross was virtually in possession of the Committee, just as any hon. Member who is in possession of the House on a Wednesday when it adjourns at six o'clock is still in possession on the following Thursday, when the House again meets, should the debate be continued on that day. Under these circumstances, my opinion, and that of many other hon. Members, is, that it was Mr. Bouverie's duty, according to the usual practice, to call on the hon. Member for New Ross again to address the House. But instead of doing so Mr. Bouverie put the question. It was put by him amidst considerable confusion in the House, and a great number of hon. Members did not even know that it had been put. That matter, however, is irrelevant to the point of order which I have raised. The point which I wish to press is simply this—that it was the duty of Mr. Bouverie, as Chairman of the Committee, to have called on the hon. Member for New Ross, he being, at the time the interruption took place, in possession of the Committee.

Mr. BOUVERIE: Sir, I am exceedingly anxious to set myself right with the House, and I can assure hon. Members that if I have made any mistake it was altogether unintentional. I have no desire but to act according to the rules of the House. The question was put that you, Sir, leave the Chair. When you did leave the Chair, many hon. Members were about to leave the House. I went into the Chair. I do not recollect having called "Order, order;" but I put the question. I read the previous report of the Resolution down to certain words; I then put the question as it had been moved by the hon. Member for Clonmel (Mr. Lawless), and fully expected that some hon. Member would have risen to speak, and I looked round on both sides of the House to see if any Member would do so—but I saw no one. I took the voices of the Committee. I hesitated about it; and while I did so the right hon. Gentleman the Member for Droitwich (Sir J. Pakington) hesitatingly asked me what was the question. I repeated the question before the Committee, and again took the voices upon it, again rather hanging on the question, fully expecting that some one was going to speak. I am not aware that it was my duty to call any hon. Member from his seat, if he did not rise to address the Committee. The voices were taken, and now it appears that some hon. Members think me wrong in the course I have adopted. I can only say I regret if any hon. Member has been taken by surprise. My sole object, as I have said, is to act according to the rules of the House, and if I have fallen into any mistake I am exceedingly sorry for it.

Sir JOHN PAKINGTON: Sir, as the hon. Member has alluded to me, perhaps I may venture to address the House for a moment; and I rise because it appears to me that another question of practice, well worthy of your attention, arises from what has occurred. I am sure the noble Lord and the Government will admit, as well as any hon. Gentleman present, that it is very much to be regretted that a question so deeply affecting the interests of the Irish people as this does should be decided by anything like a surprise. In saying this, I am imputing no censure to the hon. Member for Kilmarnock (Mr. Bouverie), who, I am sure, intended only to do his duty in the chair. But he has not long occupied the chair of our Committees, and I therefore venture to submit, with great humility, to him and to the House, that on all occasions that rule should be observed which I think, Sir, is invariably your rule, namely, that no question ought to be put until silence and order have been obtained. It is quite essential that when questions involving such great interests are put from the chair, every hon. Member within these walls should know what is the question submitted to him. Upon the occasion in question, so much confusion prevailed, and there was so much noise in the House, that although the hon. Gentleman says I asked the question, and he answered me, I must really state that I did not know in what position we stood, and I fully expected to see the hon. Member for New Ross rise and commence the discussion.

MR. FITZSTEPHEN FRENCH: Sir, the statement which the hon. Gentleman the Chairman of the Committee has made as to what occurred, is to me completely new. I was not aware of one-third of what has been stated by the hon. Member. I had turned to the hon. Member for New Ross, stating that the question was about to be put, and that as soon as the hon. Gentleman had ceased reading he would call upon him, which I understood would be the case. But we did not hear one single word from the hon. Gentleman. We were perfectly unaware of the question being put, until we heard him call "aye" and "no." It was under these circumstances that I entered my protest. Feeling that it was a surprise on the House, we felt it our duty to leave without giving a vote.

MR. SPEAKER: The question put to me, as I understand it, is this—whether the hon. Member for New Ross, not having risen in his place to address the Committee, the Chairman ought to have called upon him by name before he put the question. Now, unless the hon. Member for New Ross rose in his place and addressed the Chairman, the Chairman was at perfect liberty to put the question. According to the practice of the House, when any hon. Member moves the adjournment of a debate, he is said to be in possession of the House; but it is not on that account that the Speaker calls on that hon. Member, when the question is put on the resumption of the debate, because unless he rises and addresses the Chair, it is not the duty of the Speaker to call upon him. It often happens, indeed, when a Member moves the adjournment of a debate, he does not take advantage of his privilege of opening the debate on the following night. The Speaker does not call upon that Member to address the House merely because he moved the adjournment, unless he rises in his place when the question is put. If, however, he rises in his place when the question is put, and another Member rises at the same time, he is entitled to precedence; but that depends upon the hon. Member himself, who ought to rise in his place, if he wishes to claim any privilege.

CAPTAIN MAGAN: In consequence of what has fallen from the hon. Member for Roscommon (Mr. F. French), I wish to say one word. The hon. Member made use of the word ',we,'' and said the reason we left the House was that the question was not put. Now, whether the question was put or not, makes no difference to me. I knew what the question was whenever it might be put, and I wish to state in my place that I left the House, and I believe I was the first Irish Member outside the House, because I did not believe the Motion of the hon. Member for Clonmel to be one worthy of any notice whatever.

MR. SPEAKER: I must remind the hon. Member that there is no question before the House.

MR. VANCE: I move that the House do now adjourn.

LORD JOHN RUSSELL: The rules of the House having been clearly stated, I beg to move that you, Sir, do now leave the chair.

MR. VANCE: I am about to move that this House do now adjourn. There is no Member who would have recorded his vote on the main question with regard to the extension of the income tax to Ireland more readily than myself. But I left the House under the impression that the hon. Member for New Ross would be called upon to speak. I was aware, also, that not less than twenty Irish Members intended to address the House on the subject. I could not for one moment imagine that the question would have been put without giving ample time for discussion. I merely wish to set myself right with my friends in Ireland, and more particularly with my constituents, who are more interested in the subject than any other constituency in Ireland. [*Much confusion and interruption prevailed throughout the discussion.*]

COLONEL SIBTHORP: I hope I have never been ashamed of expressing my opinion and voting conscientiously. I must say that on this occasion, amidst the confusion which prevailed, it was impossible for any Member to go out of the House at all; at least I could not. I would not vote with Her Majesty's Government, because I have always been opposed to the income tax in every shape. But I do say, that, although I do not sanction the income tax at all in any shape or in any way, I confess, if I had been in my place, I should have said that I do think, under existing circumstances, and considering the conduct of the Irish Members, they deserve to be called upon to pay a treble income tax. I could not conscientiously vote with the Government. If I could have helped myself, I would not have voted at all. But it was morally impossible to get out of the House. I rose to say that I am amongst those Members who could not hear the Chairman put the question. So far as I am concerned, I would saddle the Irish Members with the income tax ten times over.

Sir JOHN BULLER: Sir, you have been appealed to on a point of order, and having given that opinion, I think we ought not to enter into the discussion of another matter, keeping you in the chair. I think the House ought at once to permit you to leave the chair, and that the proceedings of the Committee ought to be at once resumed.

Captain MAGAN: I quite agree with what has just fallen from the hon. Baronet. It was the noble Lord himself who broke the contract, because he jumped up when I was in the act of addressing the House. I merely wish to explain why I went outside the House. I went because I did not choose to vote on the Motion of the hon. Member for Clonmel. I think that the hon. Member—

Mr. LAWLESS: Sir, I rise to order. When a division has already taken place on the Motion, I wish to ask you whether it is usual for a Member who did not speak during the discussion to get up and impute motives to the Member who proposed the Motion.

Mr. SPEAKER: I have no doubt whatever that the hon. Member cannot now raise a question in the House with reference to a matter which has passed in a Committee of the House; because, until that Committee has made its report, the House is not in possession of information on the subject. It is quite clear that all allusion to anything which has passed in a Committee of the House, except with reference to the point of order, is decidedly irregular.

The question, That Mr. Speaker do now leave the Chair, was put, and *agreed to.*

THE BUDGET—WAYS AND MEANS—THE INCOME TAX.

House again resolved itself into Committee of Ways and Means; Mr. Bouverie in the Chair.

The CHAIRMAN having read the Resolution,

Captain MAGAN said, I wish to avoid saying what I feel. The Irish Members have been taunted with reference to this income tax. [*Interruption.*] If hon. Members do not choose to hear what I have to say, I will move that the Chairman report progress. In the first place, Sir, I think there is a matter which ought to be explained with respect to how the Irish Members came to the conclusion to turn out the late Government. We had a meeting upstairs, and certain Members came there and assured us that if the Government we expected to come into office did come in, no income tax would be imposed upon Ireland. [*Cries of* "Name, name!"] I think that is a matter which affects somebody. Whether it affects the character of the Irish Members who made that announcement, or whether it affects the character of the Government, it is not for me to say. I will leave it in the hands of the House, and leave the House to decide whether that conduct was honourable or not. With regard to the hon. Member for Clonmel, who thought proper to interrupt me, all I can tell that hon. Gentleman is this—that I am quite willing to make every allowance for the great difficulties under which he must be labouring. If he had wished to accomplish what he intended by his Motion last night, and which he did not at all simplify to my mind by the incoherent wandering [*Great confusion*]—

Mr. LAWLESS: Really I must rise to order. [*Renewed interruption.*] Perhaps, Sir, you will point out in a shorter way than the hon. Member who has just addressed the House, in what manner I have trespassed on the rules of this House, or any assembly of gentlemen, in moving that Ireland be exempted from the income tax. I can only pledge my word of honour that in that Motion I had no other motive. [The hon. Member was again interrupted; and Captain Magan rose and addressed the House at the same time, amid great confusion.]

Mr. WALPOLE: Sir, I rise to order. I think that the decision of the Chairman, whether we are in Committee or whether the House be sitting with the Speaker in the chair, should be implicitly obeyed; and I may inform the hon. Gentleman who has twice risen to interrupt the hon. Member for Westmeath, that he is not entitled to do so while the hon. Member for Westmeath is speaking, unless upon a point of order. The hon. Member for Clonmel

(Mr. Lawless) first rose to address the Committee nominally upon a point of order; in the course of his observations he went beyond that point, and Mr. Bouverie corrected him, and wished him to confine himself to the only point upon which he was entitled to speak. That question having been determined against the hon. Member for Clonmel, I think he ought now to abide by the decision of the Chair, and to allow the hon. Member for Westmeath to proceed in his observations without further interruption, unless he is out of order. I am sure it will be the feeling of the Committee that the business of this House cannot be carried on, and that we shall do no credit to ourselves if we do not yield implicit obedience to the decision of the Chairman.

CAPTAIN MAGAN rose amid great confusion, to proceed with his address; but was again interrupted by Mr. Lawless, who said, "I move that these words be taken down."

LORD JOHN RUSSELL: I think, with the right hon. Gentleman (Mr. Walpole), it is absolutely necessary that if any point of order arises, the Committee should, in the first place, maintain silence; and, in the next place, that the Chairman should be heard, and that hon. Members should not rise in opposition to him.

MR. HUME: I wish to say a word on behalf of the hon. Member for Clonmel (Mr. Lawless) who has not been able to obtain a hearing. He rose to request that words made use of by the hon. Member for Westmeath (Captain Magan), accusing him of a "guilty conscience" should be taken down. The hon. Gentleman [who addressed the House amid continued confusion] was understood to contend that Mr. Lawless was entitled by the rules of the House to have the words referred to taken down if he considered them to reflect upon him.

The CHAIRMAN: I understood that the hon. Member for Clonmel interrupted the hon. Member for Westmeath to speak to order; but I did not hear the hon. Member for Clonmel make any Motion as to any words used by the hon. Member for Westmeath. To the best of my judgment, the hon. Member for Clonmel was travelling beyond the point of order, and therefore I thought it my duty to call him to order. Since then I understand the hon. Gentleman (Mr. Lawless) has moved that certain words spoken by the hon. Member for Westmeath be taken down. I confess that I did not myself hear any disorderly words from the hon. Member for Westmeath. If the hon. Member for Westmeath has used disorderly words, and if a Member of the Committee calls attention to them, I should be bound to call the hon. Member for Westmeath to order. And here I may observe that the proceeding yesterday was to me entirely a novel one; and upon one point of form I have been told by the highest authority that the directions I gave to the Committee were not strictly regular. I am informed that it is for the Chairman, and not for the Committee, to judge whether the words should be taken down or not. A Motion having been made yesterday, I thought the question ought to be put to the vote; but I am informed that it is for the Chairman to decide whether the words should be taken down or not.

The CHAIRMAN then called upon

CAPTAIN MAGAN, who said: I think, Sir, that a Member whose words have been taken down is so likely to come off with flying colours, that I should be rather ambitious of having my words taken down. At the same time, I may say that I am not, perhaps, so obstinate as the hon. Member whose words were taken down yesterday, for if I have used language which has offended either the Committee or the hon. Member for Clonmel, I am most desirous to withdraw it. I am afraid, however, that the hon. Member for Clonmel won't allow a Member of this House the necessary liberty in stating naked facts. I wished simply to state why I did not vote for his Motion—why I went out of the House—and I should not have done that if the hon. Member for Roscommon had not used the word "we." I have said I am very sore as to the manner in which the Government have behaved with regard to this income tax; but I leave that matter entirely in the hands of the House. I do not think it necessary to name the Members who made the statements to which I have referred; but certainly persons who had a connexion with the Whigs and Peelites, by creating confusion, and making statements, did directly procure the defeat of Lord Derby. The same parties accuse us of wanting to obtain from one Government what we required from another, and of wanting to bring back Lord Derby. I, for one, tell you very plainly, that I do want to bring back Lord Derby; and I want to bring him back for the purpose of putting him out again. Now, as to those hon. Gentlemen on the other (the Ministerial) side, who call themselves independent Members, and talk about their consciences, they are not independent Members, and their consciences are in safe keeping in the counties and boroughs they represent. They are not allowed to bring their consciences here, or to use any discretion whatever. They come into this House, if I may make use of a vulgar simile, like a pennyworth of butter wrapped up in Sharman Crawford's Bill. I believe I am the only Member professing these politics who has any claim whatever to independence. It would not suit me to state particulars; but that it is so is perfectly well known. I consider that those Gentlemen who have voted with Her Majesty's Government have broken their pledges to their constituents. I wish to say that in the most polite manner possible. There are two classes of them. There are some Irish Members who, I am sure, voted conscientiously, though I conceive that they entertain mistaken opinions. But with regard to the other class, who have no discretion at all to use, and who have replaced in counties and boroughs persons of a class which always represented those counties and boroughs, I certainly expected that they would have kept their pledges, and that expectation was entertained by the country. I think I have a right, on behalf of those Irish Members who have kept their pledges, to say that it would be much more convenient to us for the future if we could hold our Irish meetings without finding Government emissaries present.

Colonel GREVILLE said, a great many accusations had been bandied about on both sides of the House with regard to the conduct of hon. Members. Hon. Members on the other side of the House ought not to be so exceedingly thin-skinned and nice with reference to any remarks on their conduct, seeing that they were not so particularly sparing in their comments upon the conduct of others. With reference to what passed on a certain occasion, it was rumoured that if the Gentlemen who had been in opposition should come into power, the income tax would not be extended to Ireland. His vote was not at all influenced by any such motive. But it was very generally rumoured that such a contract had been entered into; and that was in some degree confirmed by the statement of the President of the Board of Control, who said he thought Ireland was not in a fit state to bear the income tax, and that when he was Chancellor of the Exchequer he had always refused to impose that tax on Ireland, in consequence of the immense burdens under which that country was labouring; and he concluded his speech by saying that he still entertained the same opinion. The right hon. Gentleman now rested his vote in favour of the tax on the remission of the consolidated annuities. Now, the annual payment on account of those annuities was 245,000*l.*, to one-half of which, the labour rate, a Committee of the other House had reported this country not to be equitably entitled. The income tax and the increased spirit duties would impose fresh taxes on Ireland to the amount of 658,000*l.*, deducting from which sum one half the payment for the consolidated annuities, there would be a balance of additional taxation against Ireland of about 500,000*l.* Then, again, there was the legacy duty. But against that he would set off the benefit to be derived from the change in the tea duty. He decidedly objected to the imposition of this additional taxation on Ireland, particularly at a time when she had not fully recovered from the difficulty and distress under which she had been so long labouring.

Mr. E. BALL was astonished that no reply had been given to the statement made by the hon. Member for Westmeath (Captain Magan), that an accredited agent of the Whig and Peelite parties had waited upon the representatives for Ireland, and stated to them that if they would assist in turning out the Government of Lord Derby, Ireland should not be saddled with the property and income tax. He was not familiarly acquainted with the forms of that House, but he could not help expressing his belief that, if the statement of the hon. Member was correct, the conduct pursued on the occasion referred to amounted to a gross violation of good faith and patriotic feeling. The subject was not one which could be allowed to pass without explanation. He did not know who the "accredited agent" might be; possibly he was one of the Secretaries of the Treasury; and if so, it was desirable that some explanation should be given to the Committee, in order that what what might be called a discreditable reflection might be wiped away from a large and important party in that House.

Mr. FITZSTEPHEN FRENCH said, he had to charge the right hon. Gentleman the Member for Halifax (Sir Charles Wood) with not carrying out the promise inferred from the declaration he made to the Irish Members in that House in reference to the extension of the income tax to Ireland. The right hon. Gentleman now stated that the question now stood upon a different footing in consequence of the imposition of the tax being accompanied by the remission of the consolidated annuities; and that inasmuch as that remission would relieve the land from a charge to which it was now liable, he did not consider himself bound to adhere to his declaration against the income tax being extended to Ireland. The House would recollect that the statement of the right hon. Gentleman against extending the income tax to Ireland was made in reference to the proposal for that purpose brought forward last year by the right hon. Member for Bucks; but that proposal did not in any way affect the land—consequently, the right hon. Gentleman's explanation was in no way applicable. The right hon. Gentleman, it would be remembered, called on Irish Members to beware how they permitted the small end of the wedge to be inserted, and advised them not to allow the income tax to be extended to Ireland in any shape, for that Ireland was in no way capable of paying the income tax, and that therefore he was opposed to it; and now that a proposal for imposing that tax to a far greater extent was brought forward, the right hon. Baronet turned round upon the Irish Members, and abandoning altogether his declaration against this tax in any shape as applicable to Ireland, he supported it, giving as his only explanation that some relief was to be given to the land—a description of property that was not at all affected by the forme rproposal. He denied that the right hon. Gentleman could be released from his declaration upon such a ground, and maintained that he was bound as a man of honour to resist the imposition of an income tax upon Ireland.

LORD JOHN RUSSELL said, it would be better, if the hon. Gentleman had a charge to make against his right hon. Friend—that he could not honestly and honourably vote for the Government proposal of the extension of the income tax to Ireland, which he had declared his intention to vote for—if the hon. Gentleman had such a charge to make, it would be better that he should make it when his right hon. Friend was in the House, that he might have the opportunity of meeting it.

MR. FITZSTEPHEN FRENCH: I did not know the right hon. Gentleman was not in the House.

LORD JOHN RUSSELL: His right hon. Friend was in the House the whole of the earlier part of the evening during the discussion that had taken place, when the hon. Gentleman, who was also present, might have brought forward his charge; but he had thought it more convenient to make it in the absence of his right hon. Friend, and very probably in doing so he had exercised a wise judgment. His right hon. Friend had, however, in the course of the debate, fully explained his conduct, and he (Lord J. Russell) believed that explanation was considered satisfactory, at all events by a great majority of the House. His right hon. Friend then said that he considered the proposition of the right hon. Member for Bucks (Mr. Disraeli) to impose part of the income tax on Ireland for three years, was one that ought not, under the circumstances, to be carried out; but that in considering the proposal brought forward by the present Government, he thought, upon the whole—balancing the advantage with the disadvantage—that Ireland would be a gainer by the remission of the consolidated annuities—that remission comprehending not only those advances made on account of the distress in Ireland, but those also which were made for the necessities of the workhouses—to an extent that would more than counterbalance the burden of the income tax; and in the exercise of a judgment which he had full right to exercise, his right hon. Friend declared that he would vote in favour of the proposition. Such in substance was the explanation which his right hon. Friend gave—he went into details on the subject, and he (Lord J. Russell) was sure that many Irish Members, and certainly very many other Members, had also come to the opinion that it was better for Ireland to have the remission of these consolidated annuities, and to bear the income tax, than to go on paying these annuities. He had, he thought, said sufficient to answer the charge of his hon. Friend opposite, that his right hon. Friend had voted for this measure without fully explaining the reasons that had induced him to do so; and he would suggest if his hon. Friend had anything further to say on the subject, that he should take an opportunity of saying it when his right hon. Friend the President of the Board of Control was in the House.

MR. FITZSTEPHEN FRENCH did not know when he spoke that the right hon. Gentleman the Member for Halifax was not in the House. Did the noble Lord mean to impute to him that he had made a charge against the right hon. Gentleman in his absence which he would not have made in his presence? If not, what did he mean? He could assure the noble Lord that he was not the person to shrink from bringing forward charges against any Minister, and in the presence of that Minister, when he thought them well founded.

SIR ROBERT H. INGLIS said, he was ready to concede to Irish Members the utmost liberty of debate, and to give them every reasonable opportunity of addressing the House, especially upon questions which more particularly affected Ireland; but he would respectfully remind them that there was such a country as England. He had no objection to a large and liberal allowance of eloquence and even of time to hon. Members from the other side of St. George's Channel, but he hoped that English Members would now be allowed to proceed with the business of the country. The greater part of the income tax must, under any circumstances, be paid by the people of England; and he hoped, therefore, he might be allowed to bring before the Committee a view of the question in which a large portion of the people of this country were deeply interested. He would again call the attention of the Chancellor of the Exchequer to the proposition he had been endeavouring, ever since 1842, to impress upon the Government of the day. Every Chancellor of the Exchequer, since the tax upon property and income had been revived, had agreed that there was a limit of income beneath which all incomes should be exempt from the tax. Now, under the present system, every man who paid the tax paid it on the whole of his taxable income—and he would submit again that that was a system which operated very unfairly. A person in the annual receipt of 150*l.* was at present subjected to that tax to the extent of 4*l.* 7*s.* 6*d.*, while a person in the annual receipt of 149*l.* 19*s.* 11*d.* was altogether exempted from the tax; and an anomaly of a similar character would prevail under the proposal of the right hon. Gentleman, who would make the recipients of incomes of 100*l.* liable to the tax on the whole of that amount, while the recipients of incomes of 99*l.* 19*s.* 11*d.* would escape the burden altogether. Now, he (Sir R. H. Inglis) would remedy that anomaly by providing that the tax should only be payable on the amount of income which a man might possess beyond the 100*l.*—that is, that if he had 105*l.*, he should pay on 5*l.*; if 110*l.*, on 10*l.* It seemed to him that the right hon. Gentleman the Chancellor of the Exchequer, by exempting the possessor of an income of 99*l.* from the tax, admitted the justice of the proposal which he (Sir R. H. Inglis) was then submitting to the consideration of the Committee. The adoption of that proposal would afford a most welcome relief to many classes of the community whose incomes were exactly 100*l.* a year—to the poor clergyman, the struggling half-pay officer, and the large class of clerks employed in carrying on the commercial operations of this country. These persons were compelled to struggle hard to make both ends meet; and they would feel heavily this tax. The only objections he could see to the plan were, first, that it would be very difficult to effect the changes in the schedules which would be necessary; and, secondly, that it would lead to the loss of a considerable amount of revenue. Now he believed that these objections were by no means of an insuperable character. He believed that the difficulty of remodelling the schedules would be successfully met if his right hon. Friend the Chancellor of the Exchequer were to cause the able functionaries in his office to direct their attention to the matter for a single fortnight; and as to the loss to the revenue which the adoption of the plan would entail, he confidently submitted that such a loss ought not to be held to afford any valid ground for the continuance of a grievance which seriously affected a large and very important portion of the community.

The CHANCELLOR OF THE EXCHEQUER rose, but

The CHAIRMAN interposed and said, that as the hon. Baronet had not made any Motion or Amendment, there was nothing before the Committee, unless he was allowed to proceed with the Resolution, which had been partly read already. The hon. Gentleman then read the continuation of the Resolution.

MR. J. D. FITZGERALD moved as an Amendment, after the words "stipends or" to insert the words "to any person or persons whatsoever resident in Great Britain." This Amendment, if carried, would exempt from the tax all incomes derived from trades and professions in Ireland. He felt that, in the present temper of the House, and after the scenes which had recently taken place, it was somewhat imprudent to introduce an Irish question; but he believed that the object which he sought to attain by his Amendment was a just and reasonable one, and that it would commend itself to the favourable consideration of the House. It was not his intention or desire to interfere with the Resolutions to which the House had already come. He had voted against the Amendment of the hon. Baronet the Member for Hertfordshire, and in favour of the original Resolution for the extension of the income tax to Ireland, and therefore stood committed to the principle. He had done so, because he believed it was fair and proper that the funded property in that country, amounting to about 1,300,000*l.* per annum, incomes derived from land, railway shares, and bank stock, public and county salaries, and other descriptions of property, should pay their quota of the tax; but he thought an exception should be made of incomes derived from trades and professions, because the produce of the tax, if levied upon trades and professions, would be very small indeed, while the cost of collection would amount to a large sum. The Chancellor of the Exchequer estimated that the income tax would produce 460,000*l.* a year from Ireland, which, at 3 per cent, represented an assessment on rather more than 15,000,000*l.*; but it would perhaps be more correct to take it at 17,000,000*l.* From that sum was to be taken—land, 11,000,000*l.*; funds, 1,300,000*l.*; railways, 700,000*l.*; besides public salaries, county salaries, banking property, canal shares, and joint-stock companies; and the balance would represent the amount on which trade and professional incomes were to be assessed. He was not in a position to give the exact items of the account; but it would be seen that the amount of income tax that could be realised from trades and professions would be very small indeed. It was a fallacy of the hon. Member for Belfast, that by the remission of the consolidated annuities and the imposition of the income tax, such towns as Belfast would be taxed to pay the debts of others. Belfast would not be called upon to pay debts incurred by or for others, but to pay taxes which it was able to pay, and which it ought to have paid long ago, and from which it had been exempted on account of the distress of other districts. No doubt if the tax were confined merely to such towns as Dublin, Belfast, and Cork, it would be productive; but it would be impossible to apply the tax to any part of Ireland without applying it to the whole of that country; and therefore he said that the machinery and the large staff that would be required to be created and scattered all over the country, would render the cost of collection so great that a tax upon trades and professions would be very unproductive. Every town and borough in Ireland had made remonstrances on this subject. At a large meeting held in Dublin not long ago, representatives of all the trades and professions had spoken in the strongest possible terms against the extension of the tax to incomes derived from such sources. He admitted that his proposition to exempt these incomes from the tax, could be defended on no economic principle; but he thought it would be found, on inquiry, that the revenue to be derived from imposing it on the incomes derived from the trades and professions would be very small indeed, seeing that the greater proportion of it would be swallowed up in the expense of collection. On land, funded property, public salaries, and certain salaries payable in counties, the expense of collection would be very moderate; but the Committee ought to recollect that the trades, and especially the professions, were scattered all over the country. In some villages there would not be more than one or two persons subject to the tax, and yet for the trifling amounts to be paid by them the whole machinery of collection, with its odious inquisitorial character, was to be put in action. From the right hon. Gentleman's own figures with regard to the amount to be derived from this tax, he deduced that the proportion which would be paid by the trades and professions would be very small indeed. For its collection in Ireland there was no existing organised system available. The tax was admitted to be odious in England; but in Ireland, where political and sectarian animosities unfortunately ran so high, its odiousness would be greatly aggravated. The bodies by which the tax was collected, ought, as far as possible, to be free from party and religious bias; but the poor-law boards in Ireland, to whom the collection of the tax would probably be entrusted, were the normal schools of political agitation. He maintained, therefore, that the reasons assigned by Sir Robert Peel, in 1842, against extending the tax to Ireland still existed in undiminished force; and he would again urge upon the House the long-admitted principle that no tax was just which absorbed the chief part of its returns in the cost of collection. Various statistics had been adduced by the opponents of the Budget with regard to its effect upon Ireland; but the manner in which the calculations had been made reminded him of the course pursued by the professional accountant, who, when called in to make out certain accounts, asked first on what side his employer wished the balance to be made out. The hon. Member for Mayo reckoned the interest of the consolidated annuities at 440,000*l.*, but he did not take into account the consideration that at the end of six years the principal would be entirely wiped away. One of the arguments urged against the extension of the income tax to Ireland was, that certain distressed portions of the country were not so well able to bear the burden as other parts; but the question was, would not the western and southern districts of the country be more benefited by the relief from the consolidated annuities, as a whole, than they would be burdened by the income tax? Now the consolidated annuities in his own county (Clare) for forty years were 19,000*l.* a year; while the income tax would only impose a burden of 6,000*l.* a year; and he believed that in all the surrounding districts a similar result would be arrived at. He considered that the remission of the consolidated annuities would be a boon to the tenant-farmers of Clare, Galway, and other districts upon whom the burden pressed very heavily; and to afford relief to the poorer classes he was willing that the proposed burden should be placed upon those who were well able to bear it. For that reason he had voted for the Resolution of the Government, although he knew that to do so might be unpopular. He considered that the Irish Members on the other side had been acting under the greatest delusion, if they thought that by defeating the present Budget they would exempt Ireland from the income tax. If they had succeeded, one of two things must happen—either there would be a new Government, or Parliament would be dissolved. If Lord Derby returned to power he never could resist the extension of the income tax to Ireland; and he (Mr. Fitzgerald) said this, because it was reported that a compact had been entered into between a certain portion of the Irish Members and the late Government, to the effect that if Lord Derby returned to office he would not insist upon extending this tax to Ireland. Let them remember that the right hon. Member for Buckinghamshire, in the discussion of Sir B. Hall's Motion, declared his opinion that the income tax ought to be extended to that country; and the hon. Member for North Warwickshire (Mr. Newdegate), on the same occasion, said he thought that the poorest classes of Ireland ought to be relieved from the grinding taxation which pressed upon them in the shape of the repayment of advances, and that the income tax should be extended to those classes in that country who were able to bear it. Again, another section of the Members of that House who would, no doubt, form part of any new Government, had declared in 1848 and 1849, when Ireland was still in severe distress, that the income tax ought to be extended to that country, and that without any equivalent remission. But, on the other hand, if a dissolution were to take place, there was no doubt that this Budget would go before the constituencies as a free-trade Budget; and would hon. Gentlemen opposite wish to identify themselves before the country with hostility to the newly-established commercial policy? He would only add, that he proposed his present Amendment as a real and not a delusive Amendment, and he intended to divide the House upon it, unless it should appear that the argument upon which he rested it was baseless. His argument was, that the expense of levying the income tax from trades and professions in Ireland would be so great that it would yield no substantial product to the revenue, and therefore he believed it would be contrary to the sound rules of finance to extend this impost to that country.

Amendment proposed, line 11, after the word "stipends or," to insert the words "to any person or persons whatsoever resident in Great Britain."

Sir JOHN PAKINGTON: Sir, in consequence of what has just fallen from the hon. and learned Gentleman on the subject of some compact, which he has stated to exist between hon. Friends with whom I act, and a certain portion of Irish representatives, I am anxious to say a few words. So long as such rumours were merely confined to the pages of a hostile press, I took no notice of them; but now as they have been repeated by two hon. Gentlemen in their place in Parliament, I wish to state most distinctly that any such compact, negotiation, treaty, or understanding between my hon. Friends and any portion of the Irish representatives, in order to secure their co-operation on the occasion of the late debate and division, is entirely and altogether unknown to me. I know nothing about it; but, on the contrary, I repudiate and disbelieve it. At the same time, I beg to state that I shall not be deterred by any such idle and groundless rumour from doing my duty honestly and conscientiously by Ireland. I hold we who represent English interests are equally bound with those who represent Irish interests to attend to the claims of Ireland as an integral portion of this empire; and I am decidedly of opinion that the Budget presses hardly and unfairly on that country. If the debate of the early part of this evening had not been cut short, I should have taken the opportunity to have said as much; but that I declare now to be my positive and conscientious conviction.

Mr. WHITESIDE: I am anxious to state why we Members from Ireland on this side of the House, desire to take no notice of the arguments of the hon. and learned Gentleman opposite, without meaning him any personal discourtesy whatever. The hon. and learned Gentleman has stated that we acted under a delusion. It may be so; but we acted conscientiously and sincerely. No less than forty-two of us, Irish Conservative Gentlemen, voted with our brethren of England—as we will always do in support of a fair and just Amendment It was the only chance Ireland had left of being saved from a tax described by every hon. Gentleman on the Ministerial bench—the Chancellor of the Exchequer excepted—as iniquitous, partial, unjust, and inquisitorial. The hon. and learned Gentleman, who spoke so confidently, and who expects, no doubt, to have his Amendment triumphantly carried, has in my humble opinion, following out his own misguided judgment, as also the hon. Member for Clonmel, taken the shortest, the best, and most decisive course to defeat the interests of their country, as also have those hon. Gentlemen who acted with them on the late occasion. If, therefore, the hon. and learned Gentleman thinks that hon. Members on these benches could enter into a discussion of this proposal, he was mistaken; they would be no party to it, for they would not discuss a proposition which they believed to be a "sham." The Amendment of the hon. and learned Gentleman to exempt trades and professions from the income tax in Ireland, with a view to cast the burdens altogether upon the land of that country, is a Motion which the hon. and learned Gentleman is too well skilled in finance not to know to be impossible, and one which I believe to be as abortive as it is fatal. I shall therefore either vote against the proposition, or walk out of the House. It is our intention to submit the case of Ireland to the Committee on the Bill; and if the decision be against us we must submit. But we venture to hope that the House will not be insensible to a claim which we believe to be founded in justice and equity.

Mr. F. SCULLY was anxious to explain the grounds on which he had given his vote in the recent division. A speech had been made by a right hon. Gentleman on the Ministerial side of the House (Sir Francis Baring) which went entirely against the extension of the income tax to Ireland; and yet he voted on the main question in favour of the proposition contained in the first part of the Resolution, that is, for the Budget as a whole; and that evening again he had voted in the same lobby with him (Mr. Scully) against its extension to Ireland. The hon. and learned Gentleman the Member for Enniskillen said of Irish Gentlemen on that side of the House, what he would not venture to say of the right hon. Gentleman the Member for Portsmouth. He (Mr. Scully) gave his vote solely on the question, whether this Budget as a whole should be adopted or not, and whether there should be an income tax for England or not. The question relating to Ireland, did not arise till a great part of the Resolution was disposed of; and then the hon. Member for Clonmel moved his Amendment, for which he (Mr. Scully) had voted. He (Mr. Scully) asked the Chairman whether by voting for the entire Resolution, he was voting on the main question only; and he replied that he was, and that he was not precluded from voting for any Amendment. The imputation of inconsistency which had been cast on him, then, was not fair. With regard to the Amendment of the hon. and learned Member for Ennis, he thought that, after the result of the division that evening with regard to the extension of the income tax to Ireland, it was the duty of every Member, and particularly of Irish Members, to propose Amendments calculated to render the tax less objectionable in Ireland. He (Mr. Scully) had taken time to make up his mind as to the main question of extending the income tax to Ireland, and he had fully weighed the balance of evils. The question was, whether we should or should not impose an income tax on Ireland for seven years, in return for the remission of a liability of 4,500,000*l.* which had been incurred, and which now constituted the consolidated annuities. He was of opinion that the consolidated annuities would press more severely than an income tax in many parts of Ireland, particularly upon small farmers and householders in towns, and generally where the poor-rate was highest. The report of the House of Lords Committee said that this annuity tax exceeded the highest property tax ever levied in England during the war in many places, and in others it doubled it. The injustice in the system of collection and payment of it was also most striking as between one electoral division and another: supposing a Union to consist of ten electoral divisions, of which three had paid their amount of the annuity, and seven had been unable to make such payment; the whole annuity becomes payable out of the whole amount of rate in the treasurer's hands. The result is, consequently, that the three electoral divisions which have performed their engagements will find a portion of the rate applied to cover the deficiency of the seven electoral divisions in default, in addition to the full amount of their own debt which they themselves had already paid. He would now call the attention of the House to the description of classes who were liable to those annuities, and the different position in which they would be placed, supposing the income tax were substituted for them: out of the entire number of holders or occupiers of the soil in Ireland, amounting to 608,066 in 1851, not more than about 1,500 would be liable to income tax; while the large number remaining would be entirely relieved from both annuities and income tax. In the county of Tipperary the entire annuities amounted to no less than 658,360*l.*, which were spread over a period of forty years in every union except one. It amounted to an annual tax of 16,467*l.* 8*s.* 10*d.*, being an average of 6½*d.* in the pound upon the present valuation. According to the late census returns for 1851, he found there were 28,346 in the county; of these 20,625 were between 5 and 200 acres, 482 between 200 and 500, and only 80 over 500 acres. From this it would appear that over 20,000 would be relieved from the annuities, and not pay any income tax; while only about 280 would have to contribute to the income tax, and he doubted whether there would be so many. If he looked into the different unions, the facts would be equally striking; for instance, the entire assessment of the union of Tipperary was 121,800*l.*, and the annual payment on account of the consolidated annuities was 3,000*l.*, or 6*d.* in the pound. Take now the case of the income tax, and what would be the result of that as applied to this union? He found, by returns, that according to the poor-law valuation the farmers of this union paid upon the consolidated annuities after the following rates: Where the rent was 25*l.* a year, the tax was 6*s.* 3*d.*; 50*l.* a year, 12*s.* 6*d.*; 100*l.* a year, 2*l.* 10*s.*; 300*l.* a year, 3*l.* 15*s.*; and 400*l.* a year, 5*l.* Now, in the case of the income tax the first three of these instances would go free, while as to the others, if the tax was levied in Ireland as it was in Scotland, which he had reason to suppose would be the case, the farmer who was now rated at 300*l.* a year, and paid an annuity tax of 3*l.* 15*s.*, would save 1*l.* 13*s.*; and the farmer who was rated at 400*l.*, and paid an annuity tax of 5*l.*, would gain 2*l.* 12*s.* 7*d.* by the change. This was essentially a tenant question, because the rates for the poor, and the consolidated annuities, pressed most heavily on that valuable class of men. At the present moment it was well known that the respectable, industrious, and well-conditioned tenant-farmers of Ireland were leaving their native land for the shores of America, solely on account of the heavy poor-rates and consolidated annuities, the more grievous because it was quite uncertain to what amount they might rise. He therefore thought it would be immeasurably to the advantage of many unions to exchange the annuity for the income tax. It was not alone the tenant-farmer class who would gain by the exchange. It was said, indeed, that the shopkeepers do not pay the annuity tax; but that was not so, for in some unions the highest amount of poor-rate and the annuity tax was borne by the towns. For instance, in the Cashel union the consolidated annuities amounted to 126,000*l.*, or 3,152*l.* per annum for forty years, being an average of 7¼*d.* in the pound on the entire union. In 1851 the expenditure for poor-rates averaged 3*s.* 6*d.* in the pound on the entire union for that year. Now observe the position of the city of Cashel electoral division. The expenditure and rates for the poor in that division was not less than 7*s.* 7*d.* for that year; while the charge for consolidated annuities for that electoral division amounted to 9*d.* in the pound additional; therefore the remission of the annuities would be a greater boon to the city where it was heaviest, and the poor-rates highest, than to the surrounding rural districts, where both were so much lower. With regard to the Budget, as it would affect Ireland generally, he believed it would be beneficial, particularly after the year 1860; and in this he differed altogether from the calculation of the right hon. Baronet the Member for Portsmouth, who made out that Ireland would only gain 47,000*l.* a year after 1860, while England would gain millions. He (Mr. Scully) considered the total remissions of duty, including tea and other articles, stamps, and consolidated annuities, would amount to 659,000*l.* a year; while the imposition of new taxes, including income tax, spirit duty, and succession duty, would amount to 755,143*l.*, showing a loss to Ireland of 95,353*l.* up to 1860; but on the understanding that the income tax is to cease then in both countries, the gain to Ireland would amount to several hundred thousand pounds per annum, instead of the 47,000*l.* which the right hon. Gentleman calculated on; and, in fact, in his estimate, he never considered the cessation of the income tax in Ireland, though he reckoned upon it as certainly ceasing in England at that period, and made his calculations for that country accordingly. Allowing for the remission of the consolidated annuities, and for the cessation of the income tax on the one hand, and for the continuation of the spirit duty and the legacy duty on the other, the gain to Ireland after 1860 would be something like 497,797*l.* per annum; and that was his principal reason for supporting the Budget of the Chancellor of the Exchequer. It was said that the annuities were very bad, and very unjust in their operation. There were, however, inequalities in the operation of the income tax as well as these consolidated annuities; and now that the income tax was to be extended to Ireland, he was anxious to see these inequalities removed as much as possible. He certainly did not approve of it in the shape it was proposed by the Chancellor of the Exchequer. There ought to be a difference made between England and Ireland, in the mode of collecting the income tax, or in certain small towns in Ireland the tax would be grievously oppressive. The ascertained property of Ireland should be made to bear its fair share of taxation. At present there were numerous parties living upon annuities, rentcharges, and such like properties, who did not pay a shilling towards the support of the State. Now, these ought to be made to pay; but, on the other hand, there was something like 460 small villages, where the tradesmen found it so great a struggle to get a living, that it would be the height of injustice to require them to pay the income tax. There ought certainly to be a distinction made between those who earned their bread by the sweat of their brow, the man whose income was precarious and uncertain, and the man whose income was fixed and certain, and who experienced none of the difficulties in sustaining his position such as the industrious tradesman had to endure. If not entirely exempt, the latter ought at least to be partially exempt from the operation of the tax. He would say that a tradesman with an income under 200*l.* a year ought not to be rated at all; but if he was rated, certainly it ought not to be higher than 5*d.* in the pound. There was another class, too, which he thought ought to be exempt from the tax, namely, the working clergymen of all persuasions in the United Kingdom. Take the pluralist and the man who enjoyed a large living, but do not compel the poor curate, who found the greatest difficulty in keeping within his means, to pay an income tax. In Ireland there were at least two thousand hardworking, useful, and benevolent clergymen, who were supported by voluntary contributions, and, to his mind, he could see no possible justice or policy in requiring them to pay the income tax. There were other matters relating to the tax which demanded some attention at his hands, but he could not wait to touch upon them all. One in particular he must notice, and that was, as to the mode of collecting the tax under Schedule A. He would most earnestly press upon the Chancellor of the Exchequer not to adopt the system prevailing in England, namely, making the tenant pay for the landlord in the first instance. That, in Ireland, would be open to many abuses, and would be a serious grievance to the small cottier tenantry in that country. The demand for this tax would be made upon the tenant at a period of the year when it would be very inconvenient, and perhaps impossible, for him to meet it; besides, he would be paying it in advance for his landlord, who might only set it off against some imaginary arrears of rent, or never get credit for it. Under these circumstances, and for many other reasons too numerous to mention at this period of the debate, he implored of the Chancellor of the Exchequer not to adopt it. One word more, and he should have done. The legacy duty upon land, it was calulated, by the Chancellor of the Exchequer, would produce something like 2,000,000*l.*; but the hon. and learned Gentleman the Member for Belfast, who enjoyed a large practice at the Equity bar, and consequently must be supposed to know something of the matter, estimated that it would produce 4,000,000*l.* in the three years. Now, when the legacy duty amounted to 4,000,000*l.*, there would be an additional reason for doing away with the income tax in 1860, and he hoped when that time arrived, Ireland would be entirely relieved from the burden. In the meanwhile he plainly saw that there was no help for it but to extend the principle as it was now proposed by the Government; but much of its injustice could be got rid of by adopting such measures as might improve it in Committee, and he trusted no obstacles would be thrown in the way of their passing.

The CHANCELLOR OF THE EXCHEQUER: I certainly, Sir, feel the same anxiety which the hon. Gentleman who has just spoken may naturally have felt, to explain at large his views with regard to the extension of the income tax to Ireland, which he has done with great clearness, and also with great fairness. But I do not think it my duty to avail myself in the same manner of the indulgence of the House. I should be abusing that indulgence if I were to do that which he has done in a different position from that occupied by myself. But although I, like others, am so far a loser by the rapidity of the division on the question of extending the income tax to Ireland, that I lost the opportunity of discussing that subject at large, I think I shall best discharge my duty to the House by only discussing the matter immediately embraced in the Motion of the hon. and learned Gentleman—especially after the distinct announcement of the learned Member opposite, that the entire question of the income tax, and the propriety, justice, and expediency of extending it to Ireland, will be again raised when we go into Committee upon the Bill. Under these circumstances, Sir, I repeat I think I had better confine myself to the Motion of the hon. and learned Member for Ennis, and to that part of his speech which referred to it. After showing in a very conclusive manner the justice of the general propositions of the Government, the hon. and learned Gentleman addressed himself to the particular proposition which he has recommended to the notice of the Committee, the effect of which would be, as far as Ireland is concerned, to strike Schedule D—I do not say entirely—but almost entirely out of the Income-tax Act. I believe the hon. Gentleman does not object to joint-stock companies being taxed; but with regard to merchants, to manufacturers, to retail dealers, to professional men in Ireland, I understand the hon. Gentleman to propose that they should be entirely exempted, and that no tax should be levied upon them. The hon. and learned Gentleman founds his argument for this particular proposition—which is altogether distinct from the general proposition of the levying of the tax—on the belief he entertains that Schedule D in Ireland will be so unproductive that it will yield—I do not know that he says no appreciable revenue, but, at any rate—no considerable revenue after the expenses of its collection are defrayed. If I correctly understand the hon. and learned Gentleman, he stated very fairly the objections which existed against this exemption on any other point of view; he admitted very candidly that the exemption of this class would raise heartburnings and ill-feeling among other classes—among the class with salaries, for instance, not in the public establishments alone, but in mercantile establishments — that among that class it would create great discontent if such exemptions existed. In fact, it was fairly and frankly admitted by the hon. and learned Gentleman, that, abstractedly considered, his proposition would be a bad measure, and that he grounds the proposition entirely upon this, that after the expenses of collection are defrayed, it will yield little or nothing that is worth collecting. Now, I would venture to suggest to the hon. and learned Gentleman, that, on a question of this kind, I can neither explain satisfactorily to him nor to the Committee the grounds on which I have come to a different conclusion till the Bill itself be before us. When that Bill is laid upon the table of the House, you will see the nature of the machinery with which we propose to raise the tax. At present the question between the hon. Gentleman and myself is mere matter of opinion. He thinks—and I have no doubt he thinks not only conscientiously, but with that clearness derived from his own ability and great experience which must always give his opinion much weight in this House—he is of opinion that Schedule D will yield comparatively little to the revenue when collected in Ireland. I, on the contrary, am of opinion that it will produce, even after the expenses of collection are defrayed, a considerable sum. I do not wish to be understood as saying that I think the modes of collecting the tax in Ireland, ought to be, in all respects, analogous to those in use in England. I am not of that opinion. But, looking to the case of Dublin—looking especially to the case of Belfast, I feel that, even if the hon. and learned Gentleman could make good his case with regard to the small towns, still the total omission of Schedule D would be liable to many objections. The difficulty in dealing with Schedule D arises from this—that after we have dealt with the case of a few large towns, in which I do not know that there are more formidable obstacles to be encountered than in England, you must then come to consider how, without a staff of intelligent Government officers, and without the power of availing yourself of local fiscal officers, you are to levy a tax under Schedule D, in cases where, except the clergyman of the Established Church, the Roman Catholic priest, perhaps the Presbyterian minister, the medical man, and one or two retail traders scattered thinly over the district, there are none on whom the tax can be levied. I admit that cases like this will require considerable care, and I hope you will see, when we come to discuss the provisions of the Bill, that it has had much attention from us. I shall not abuse the patience of the Committee by going into all the points raised by the hon. and learned Gentleman, and by others connected with Ireland, who held a conversation with me some time ago on various matters connected with the application of the income tax to Ireland; but there are two points to which they then referred, on which I wish at once to put an end to all uncertainty. The first point is one to which they attached great interest—that is, the mode in which the rent of the Irish tenant farmer shall be calculated with relation to the income tax. At that time I gave the Irish Members to understand that though the amount of the sum involved in this question is small, yet the smallness of the amount would not have induced the Government to concede anything that affected the principle on which they have all along proceeded, unless considerations of justice recommended the concession. What they propose to do is this. Judging between the position of the tenant-farmer in Ireland in relation to the rent he pays his landlord, and the profit he obtains for himself, judging between his position and that of the Scotch tenant-farmer, we think that the case of the tenant-farmer in Ireland will bear a fair analogy with the tenant-farmer in Scotland rather than in England. We therefore propose in the Bill to place the tenant-farmer in Ireland in the same position with relation to the tax as the Scotch farmer. I heard in the course of this evening some taunts and jeers thrown out against a portion of the representatives of the sister country because they did me the favour to enter into an amicable discussion with me on these points, as if they had thereby forfeited their allegiance to their country. It is not for me, Sir, to instruct the Irish Members, or to presume to commend them; but this I can say, on the part of the Government, that we feel greatly obliged to them for having taken that course, and that we feel indebted to them for many useful suggestions. The other point to which I wish to refer is one on which it is evident that extreme and very just anxiety prevails in Ireland—in respect to the employment of local parties and local agents in assessing the income tax under Schedule D. With the other schedules there will be little difficulty, and there has been raised no question. But with respect to Schedule D, the Irish Members have expressed their opinion that there would be in general great objections to the employment of local persons in assessing the tax. I wish therefore to state that whatever is done with respect to the levying of the income tax, will be done under the immediate control and agency of the Executive Government. I am quite aware that, while that announcement gives satisfaction as to that point, it will increase the difficulty of levying the tax, particularly in small country places, where those liable to it are thinly scattered. But we shall endeavour to cope with this difficulty as well as we can. While we endeavour to deal justly by the revenue, we shall at the same time study to avoid cases of a vexatious character, or such as would entitle any one to say that the provisions of the Government are of a harsh and oppressive character. I therefore venture to express a hope that hon. Gentlemen will see the advantage of delaying the discussion of this matter till they can do so with the Bill in their hands. They will then see precisely the extent to which we are prepared to go in meeting their views, and the extent to which they, or the House at large, may think it their duty to press us to go further. There is one point, which was mentioned by the hon. Gentleman who spoke last, at the close of his very able speech, with respect to the legacy duties—a remark which, on the one hand, is to me most attractive and delightful, but which, if I were to allow it to be supposed that I gave it a moment's credence, would be the parent of such dangerous delusions, that I cannot pass it without some notice. We are, I hope, approaching to that stage in these discussions when we shall be able to enter at large into the question of the legacy duties. I shall only say, now, that an estimate of 2,000,000*l.* addition to the revenue is the estimate which I have been supposed to make with respect to these duties, but which I entirely disclaim. That estimate, however, has been set down by some as absurdly small; and the proceeds have been set down at 4,000,000*l.*—one hon. Gentleman indeed promised 6,000,000*l.* I can only say that I should be most thankful—I might almost say that I am inclined to offer a large reward—but at any rate I shall be most thankful to any hon. Gentleman who will assure me of such a return; and though the system of farming the taxes is generally allowed to be a bad one, yet if any hon. Gentleman is disposed to offer a rental of 4,000,000*l.* for this tax, or even a fourth part of that sum additional, I shall be most happy to close with him.

MR. DISRAELI: I rise for the purpose of asking a question. I understand the right hon. Gentleman to say that the Committee have misapprehended him, supposing that he offered an estimate of the ultimate amount of the tax on successions to real property as amounting to 2,000,000*l.* sterling. But we on this side of the House had an idea that the right hon. Gentleman did, in the course of his financial statement, estimate the ultimate amount of this tax at 2,000,000*l.*

The CHANCELLOR OF THE EXCHEQUER: I am much obliged to the right hon. Gentleman for giving me an opportunity of clearing up this misunderstanding. I estimated that the proceeds from the legacy duties would be 2,000,000*l.* in addition to the 1,300,000*l.* which we now receive. I hope it will amount to that sum: indeed it would not surprise me if it should amount to 200,000*l.* or to 300,000*l.* more; but I have not taken credit for that overplus, because the probate duties are on a scale that must shortly come before the House for modification; and when they are modified, there will be a small loss. But, speaking in round numbers, the estimate was 2,000,000*l.* I must here, however, correct a slight error that I fell into on that occasion. I said this estimate of 2,000,000, would be reached in four years—I believe it will not be realised in less than five. But my statement was this. I stated that 2,000,000*l.* of additional revenue would accrue to the State from the change in the law with respect to the legacy duties. From that statement, the inference has been precipitately drawn that the increase would arise from the change in the law with respect to real property. No doubt, a portion of the increase will arise from that change; but another and an important portion will also arise from the change in the law with respect to settlements of personal property.

MR. VANCE considered the Motion now before the House, like that of the hon. Member for Clonmel last night (Mr. Lawless), a mockery and a delusion; not intended for, and not brought forward with, any hope of success. There had been a Motion brought forward on a former occasion which would have included both those propositions, and against which the movers of those two propositions had voted. It was pretty plain that these two Motions were designed to cover the unpatriotic votes which their movers had given on the previous occasion. The Resolution proposed had been, "that the continuance of the income tax for seven years, and the extension of it to parties hitherto exempted from its operation, without any mitigation of its inequality of assessment, is unjust and impolitic." The first part of this Resolution met the proposition of the hon. Member for Clonmel (Mr. Lawless), and the latter part included the proposal of the hon. Member for Ennis (Mr. Fitzgerald); and yet both these hon. Members voted against it. That these hon. Members and those around them had been influenced by corrupt motives, he (Mr. Vance) would not say; but this he would say, that he thought they had been "mesmerised" by the Government. He repeated, that Government influence had produced its effect among them. He told them, that, as independent Members, they ought to have voted for the Resolution he had referred to, and that they would have to answer to their constituents for not doing so. He did not, as an independent and patriotic Irish Member, thank the Government for the remission of the consolidated annuities. They might as well require the West Indies to pay back the 20,000,000*l.* voted for negro emancipation as to call upon Ireland to pay back these annuities. They ought to have remitted them as a matter of justice, without any compensating tax. The people of Dublin disliked being in debt, and they had taxed themselves so that they had been enabled to get rid of their share of the consolidated annuities, and they had actually liquidated the entire to the extent of 40,000*l.*; but, notwithstanding that, the income tax was to be imposed upon them. There had been some strange arguments used on this subject upon the opposite side of the House. The hon. Member for the West Riding (Mr. Cobden) had said that the manufacturers of Lancashire and Yorkshire would be aggrieved if those of Ireland were not subjected to the income tax. But he (Mr. Vance) happened to be connected by property with Yorkshire; and a constituent of the hon. Member had told him the manufacturers there had no such small jealousies of their Irish brethren, and, on the contrary, knew that Ireland was one of their best markets, and that they knew the prosperity of that country was identical with their own, and that it was important that its rising enterprise should not be interfered with. The hon. and learned Member for Cork (Mr. Serjeant Murphy) had, however, used an argument which would somewhat astonish his constituents, namely, that their interest would be promoted by the imposition of the income tax. As to the remission of the consolidated annuities, it was a mere imposition to represent it as a boon. The Government never could have continued those annuities. They had been condemned by that House, by the House of Lords, and by public opinion; and it would have been impossible to maintain them, especially after the significant vote come to not long ago on the Motion of the Member for Mayo (Mr. Moore). There was, therefore, no gratitude due to the Government for the remission of those annuities, particularly as they had coupled the remission with an "equivalent" in the shape of new taxation. There was a just feeling of indignation in Ireland against the measure. There had been a compact with that country at the Union that in certain specified instances it should be more lightly taxed (as it had only a debt of 10,000,000*l.*) than England, and the compact had been so far recognised that up to the present time no direct taxation had been imposed upon Ireland. But now the compact was to be entirely disregarded by the imposition of an income tax, and also of a licence duty. It was true that the latter duty was likewise to extend to the English traders; but they would not feel it so much as the Irish traders, whose returns were far smaller. The tax on licences would press most harshly and unjustly on the traders of Ireland; and the income tax would be most unfair and oppressive both to the landed interest and trades and professions in that country. The people, one and all, were against it, and it would produce more dissatisfaction than would be counterbalanced by any paltry advantage the Government could derive from extending it to Ireland. And he concluded as he began, by declaring that the Motion now before the House was a sham and a delusion.

Mr. J. D. FITZGERALD said, as the Chancellor of the Exchequer said he would have an opportunity of renewing his Amendment when he had more materials on which to form a judgment, and as he understood he was to have to have no support from hon. Gentlemen opposite, he did not think he would be warranted in taking up the time of the House further. ["Oh, oh!"] He was not disappointed at hearing these exclamations from the other side, and he hoped the House would allow him to say something personal to himself. The hon. Member for Mayo, and the hon. and learned Member for Kilkenny, had both used expressions in the course of the debate which ought to have been replied to, but he had hitherto abstained from doing so, as his wish was to avoid angry feelings. But he must be pardoned for saying a word or two in reply to the hon. Member for Dublin. That hon. Member appeared to-night for the first time in the character of a patriot; but he believed no place would be more surprised than Dublin would be at his assumption of such a character. And when the hon. Member said that he (Mr. Fitzgerald) brought forward this Motion without hope of success, and that he was acting under Government influence, he would give that statement a contradiction in language as positive and explicit as the forms of this House would permit him to use. He had not brought the matter forward without canvassing the matter amongst his friends, and with them weighing the chances of success; and, as to his acting under Government influence—he spoke in the presence of several Members of the Government, and he defied any one of them, or any Member of the House, to say that either for past, present, or prospective favours he was under any obligation to the Government. If there was compliment on either side it was on his, though he would never admit that Her Majesty's Government could be under an obligation to an independent Member because he felt it right to support them. He had given a fair and independent support to the measures of the present Government, as he would support the measures of any Government which he thought were right; but there were measures which he had equally felt it his duty to oppose. At the same time, looking to his political position, he saw no choice between the present Government and that of Lord Derby. In Lord Derby's Government he had no confidence, and the only pledge his constituents exacted of him was, that he would exert himself to remove them from power. He had confidence in the present Government, and having confidence in them, he felt it his duty, as an independent Member, to give them his support. In giving that support, the purists on the other side—for what reason he knew not—had thought fit to impugn his motives, and even the gallant Member for Westmeath (Captain Magan) could restrain himself no longer, but had appeared to-night on the floor of the House as the impersonation of personal purity. With regard to the remarks of the hon. and learned Member for Enniskillen, he had only to state that for his opinion he had no value whatever. He trusted the Committee would pardon these observations, which had been forced from him; and now, seeing that he would have another opportunity to renew his Motion, he would, with the leave of the Committee, withdraw it.

Mr. M'MAHON trusted that the hon. and learned Member would not withdraw his Amendment, but press it to a division, and by that means procure the resignation of Her Majesty's Ministers. His constituents, composed of the agricultural and commercial classes, were of opinion that they would derive the greatest relief from the remission of the consolidated annuities; but they would prefer the continuance of that charge to the imposition of the income tax in any shape. One gentleman with whom he had been in correspondence described the Budget as a "tricky, delusive, and infamous" affair. It was, he believed, the universal opinion of every class in Ireland that the Budget was intended entirely for the benefit of England. Successive Governments had been for a long time taking off duties from the raw material for the benefit of England; and the present Government were about to remit the soap duties, which applied peculiarly to this country, and impose an equivalent tax upon Ireland. Upon a recent occasion thirty-one Irish Members had supported Her Majesty's Government; but could any of those hon. Members rise in his place and say that in so acting he followed the wishes of his constituents? The whole of those constituencies would be found against their representatives with respect to this vote—indeed, all classes in Ireland were averse to the tax. Had a single county or borough meeting been held in its favour? He was anxious that the Budget should be carried in such a way that the people of Ireland could feel convinced that they were not being cheated or robbed in order that England might be relieved of those taxes which it was her peculiar duty to bear. A high financial authority in the House had established that, as the Budget was at present framed, Ireland would be essentially a loser by it. When the Chancellor of the Exchequer on a former occasion remarked that the consolidated annuities were not to be considered as a mere question of money, he (Mr. M'Mahon) had not been prepared to find that more was to be imposed on Ireland than was remitted. The right hon. Gentleman the Member for Portsmouth, who had himself been Chancellor of the Exchequer, and was well qualified to advise on such a subject, had made a speech on the subject, which no one on the Ministerial benches had as yet attempted to answer. No one had as yet controverted the statement of the right hon. Gentleman, that the remissions as regarded England would amount to 1,040,000*l.*, whereas the increased taxation on Ireland would amount to 423,000*l.* The people of Ireland would like to know how that was to be accounted for. A Member of the Government had stated that the present attempt to tax Ireland, was getting in the narrow end of the wedge. The remissions in the Budget were, in fact, in the interest of England, and not of Ireland. It was proposed to remit the annuities; but he thought it unworthy of a great Empire like this to make a profit out of these loans. The Committee of the House of Lords, who appeared almost in a judicial capacity, had struck off 2,000,000*l.* from these sums charged to Ireland, on the ground that the money had been foolishly wasted on officials, and not for the relief of Ireland. The duties now proposed to be levied on spirits, together with the income tax, would amount to double what could be fairly charged on the score of the annuities. It was said, however, that there was to be a remission of the tea duties; but surely in that remission it was only the right of Ireland to participate. Even the quota which Ireland was to pay for the legacy duty would be an equivalent for the consolidated annuities; and if the Government acted with fairness, they would so consider it. But, instead of that, they were going to impose 460,000*l.* income tax, 200,000*l.* for legacy duty, 200,000*l.* for spirit duty, and 30,000*l.* for licences; showing on the whole a large balance against the sister country. In fact, the taxation proposed for Ireland was especially for the benefit of England and the injury of Ireland; and, to add to the injustice, the charge for the militia, which ought to have been borne by England exclusively, was in part thrown upon a country which had had nothing to do with it. But the fact was, that this description of legislation was of a piece with all that had gone before. For many years past taxation had been remitted to England, without any corresponding advantage being given to Ireland. Within the last six years, for instance, there were the window tax remitted to England, 1,278,000*l.*, Ireland gaining nothing; the brick duty, saving 456,000*l.* to England, and Ireland gaining nothing; the glass duty, giving 624,000*l.* to England, and Ireland gaining nothing; and so on throughout the whole category, until, in a series of years, it would appear that England had gained 5,500,000*l.*, and Ireland only 8,000*l.* Instead of acting upon this old bad system, the right hon. Gentleman should have considered some plan by which, while remitting duties to England, Ireland also would have benefited. The House would allow him, perhaps, to state a few plain facts, to show that Ireland was a great loser by the Budget, if not by design, at least by accident. First, the abolition of the soap duties could confer no benefit upon Ireland, for it paid no soap duties. And there was no concealing the fact, for it was notorious that the chief soapdealers had been applying for the remission of the soap duty, because they were unable to compete with the Irish manufacturers in the foreign and colonial markets. If the Chancellor had been anxious to confer a boon upon Irish manufacture, he would have done something to protect Ireland's only manufacture—that of beet-root sugar, which in the English market next year would stand in no better position than slave-grown sugar. English manufacturers were very fond of crying up free trade, yet what was the fact? Why, there was not a single manufacture of Manchester, York, or Leeds, which, though relieved from Excise restrictions, was not still protected. He maintained, therefore, that if the Chancellor had been anxious to have favoured Ireland, he would not have dealt with her as he had done. He would only say, in conclusion, that no Member of that House was more anxious than he was that Ireland should be treated as an English county. He wished to see the two countries absolutely incorporated, to all intents and purposes, Ireland being no longer subject to peddling and exceptional legislation, but governed by the same system of statute and common law. If that were done, if they would but confer on Ireland the same local institutions which were enjoyed by England, they would be able to economise their local expenditure, and reduce their highway rates from the present amount of 1,100,000*l.* a year to half that sum.

Mr. AGLIONBY said, he would not have taken any part in the debate, had he not wished to mention two points for the consideration of the Chancellor of the Exchequer. The first related to the revenue to be raised by a tax upon successions. A very large amount must necessarily be raised from that branch of taxation; and what he wished chiefly to say on that subject was, that he hoped the right hon. Gentleman would be induced to embrace in his proposal that large class of property which was held in mortmain. The second point had reference to the mode of collecting the income tax. A very large increase might be obtained by the right hon. Gentleman, if he would bear in mind what he (Mr. Aglionby) was about to state. He alluded to the case of copyhold tenants, who now paid double—first upon the value of the land, and then upon what was taken by the lord on the basis of two years' value; while, on the other hand, if the right hon. Gentleman examined into the matter, he would find that only one-sixth of the lords made any return.

SIR TIMOTHY O'BRIEN was not going to annoy the House with quoting figures, which were often calculated to confuse rather than to inform. He rose merely to say, that if the Chancellor of the Exchequer was anxious to make any changes in the Irish part of the Budget, he must not take it for granted that the tenant-farmers of that country would derive all the advantage from his scheme which had been described. He must say that he was perfectly amazed at the picture drawn by his excellent Friend the Member for Tipperary of the advantage to accrue to that class.

MR. F. SCULLY: I said that the remission of the consolidated annuities would confer a great boon upon the farming classes of Ireland.

SIR TIMOTHY O'BRIEN would like to know if the hon. Gentleman had ever taken a walk from Cashel to Tipperary, from Cashel to Clonmel, or Cashel to Thurles; for if he had he would have seen nothing but ruins of the dwellings of tenant-farmers. It was all very well to talk of the tenant-farmers being benefited by the remission of the annuities, but they had never paid them—the only rates paid by Irish farmers were on account of writs. The fact was, the remission was no sufficient equivalent for the sacrifice they were called upon to make. He had never given a selfish vote—he came there neither for nor against the Government. But he must protest against the system pursued by Irish Members—a system calculated to do the greatest injury to their country. They formed themselves into cliques of sixteen or a dozen, held meetings, and came forth to dictate as to the government of Ireland. He believed that those who opposed the Budget of the Government held quite as great a stake in the country as those who favoured it. In its every feature, with the single exception of the repeal of the tea duties, the Budget was adverse to Ireland; and let him warn the Chancellor of the Exchequer, that the repeal of those duties would lead to little or no increased consumption of that beverage as far as that country was concerned. He begged, therefore, to say that his vote on Monday was given conscientiously and unfactiously; nor had he heard anything since to make him regret the course he had taken.

SIR GEORGE GOODMAN wished to make one remark in reply to an observation of the hon. Member for the city of Dublin (Mr. Vance). That hon. Member was one of his (Sir G. Goodman's) constituents at Leeds, and had also extensive property in the town; but, in reply to his remark that the manufacturers of Yorkshire would be very loth to have the income tax extended to Ireland, he begged to say, that neither from the borough of Leeds, nor of the county of York, generally, had he heard a single objection to it. He believed the inhabitants of Yorkshire considered it a step in the right direction. Speaking of the Budget generally, he believed it would prove very beneficial both to this country and to Ireland.

MR. MAURICE O'CONNELL said, the hon. Member for Cashel (Sir T. O'Brien) had spoken of a certain deputation as a clique; he begged to say that it represented as much landed property and as large a proportion of the Irish constituency as could be made the subject of boast by some hon. Gentlemen who were often very loud in that House. As chairman of the deputation he performed only a ministerial duty, and he begged to say that the hon. Member for Cashel might have been present. To impugn the proceedings of that deputation, would be to impugn his private character and honour.

MR. R. M. FOX hoped the Amendment would be withdrawn. He hoped, also, that along with that there would be a withdrawal for ever from that House of all acerbity of feeling of one class of Irishmen against another. He thought that, having never himself been guilty since he entered that House of using a single expression calculated to offend any other Irish Member, he stood in a position to entitle him to ask of the good feeling of his fellow representatives that such scenes as had been witnessed in that House yesterday and today would not again be repeated. He thought that the only consideration which should influence them in judging of the Budget was the consideration of how they could make the best bargain for their common country. That was the way in which he had considered the matter, and he believed he might say the same of most of his friends near him.

Mr. MAGAN believed the hon. Gentleman's Motion was a perfectly sincere Motion. The hon. Gentleman was engaged in the same task as he was—namely, to avoid the imposition of the income tax on Ireland. There was one mistake made by the hon. and learned Gentleman, which mischievous minds like his own (Mr. Magan's) would be ready to suspect—he had too long delayed making an apology for the observations he had made. He would say no more, as he wished to leave the hon. and learned Gentleman " all alone in his glory."

Mr. J. BALL rose to address the House amidst cries of " Divide!" He said he entirely sympathised with the feelings of many English Members, who naturally shrunk from the infliction of another night's debate on this question, and he should endeavour not to prolong their sufferings. But he wished to recall to their minds the position in which the question then stood. It could not be doubted that the question was one which was calculated to excite the deepest interest in Ireland, and one upon which no great difference of opinion existed. [Mr. M'Cann : No, no !] The hon. Member for Drogheda would have an opportunity of replying on that point, if he wished. It was very important that erroneous statements made in that House should not go forth to Ireland, and that the question should be put before the people on its merits as clearly and distinctly as possible. [*Interruption.*] If hon. Members from Ireland thought it expedient that the discussion should be cut short, he, for one, had no objection; but he did not think it fair that he should be interrupted in the way hon. Members were doing. He had been under the impression, indeed, that hon. Members opposite relied more on arguments than on interruptions for the strength of their case, and he challenged them to discuss the matter with him.

Mr. M'CANN said, it had been stated by several Members on the opposite side that Irish Members who opposed the imposition of the income tax on Ireland wished to flinch from the payment of taxes which they ought to pay. He begged to say that he was not one of those. He believed that Ireland was already taxed beyond what she ought to bear; and he was willing to lay that point before a fairly selected Committee of English Gentlemen, and to abide by their verdict.

Question, " That those words be there inserted," put, and *negatived.*

Mr. MICHELL did not bring this Amendment forward to damage the Ministry, but because he thought justice required the alteration should be made. He was not opposed to the Budget; he thought it was a fair Budget, and that it would be impossible to get a Budget to please every one. His constituents rather liked the Budget than otherwise. Government proposed to remit taxation on the industrious classes. The right hon. Gentleman had taken off the taxes on knowledge, and had placed them on the compositors and reporters. By this arrangement the man who earned only 1*l.* 18*s.* a week, perhaps because he was idle, was to be exempted, while the industrious, the more honest, and more sober man, who earned 2*l.* 2*s.* per week, was to be brought within the operation of the tax. Was this just? The same principle of injustice pervaded the tax as applied to other industrious classes. He thought it would be advisable to make the tax operate on the working classes this way—to take no notice of the 100*l.*, and to commence levying the tax on all the amount beyond the 100*l.* By this means they would not only afford a well-merited relief to the smaller classes of industrial incomes, but take away a fertile source of evasion; for when the tax rose up at once from nothing to 2*l.* 1*s.* 8*d.*, people naturally thought it very hard, and set about trying how to evade it; but when it began at 6*d.* or 7*d.* they thought nothing about it, but paid it quietly. What he desired to effect by his Amendment was, to protect the working classes, and, at the same time, to do away with the temptation of endeavouring to find out ingenious ways to evade the impost. He was convinced that if they did not make the tax discriminating, it would never work well.

Amendment proposed—

> "To leave out the words 'or from any profession, trade, or vocation,' in order to insert the words, 'and for and in respect of any profession, trade, or vocation, whether the same shall be respectively exercised in the United Kingdom or elsewhere; and for and in respect of the annual profits or gains arising or accruing to any person or persons not resident within the United Kingdom, from any trade, profession, or vocation exercised in the United Kingdom, on the first hundred pounds of Income no Duty shall be charged or chargeable thereon:
>
> "'For every twenty shillings of annual value or amount thereof above the yearly profits of one hundred pounds, and below five hundred pounds,
>
> For two years from April 5, 1853 . 5*d*.
> For two years from April 5, 1855 . 4*d*.
> For the three years from April 5, 1857 3*d*.
>
> "'And for every twenty shillings above the annual profits of five hundred pounds, the sums of 7*d*., 6*d*., and 5*d*., for the above-mentioned times respectively,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the proposed Resolution."

The **CHANCELLOR OF THE EXCHEQUER** said the Amendment as it at present stood would go to exempt all the different descriptions of rating in the previous part of the Resolutions. The correction which had been made in it confined it to trades, professions, or vocations. It was not necessary for him to state at any length his reasons for not acceding to the Motion. They rested on two grounds. In the first place, the Motion, although intended by the hon. Gentleman in all sincerity to facilitate and improve the working of the tax, involved principles most inconvenient and even dangerous. It involved all the difficulties that arose at a former period, of different rates on different classes; and another set of difficulties—namely, those which related to a graduated income tax. It was quite true that Mr. Pitt proposed what in some sense might be called a graduated income tax. He proposed a tax graduated below 200*l*., and no doubt on abstract grounds that involved the principle of a graduation applicable to all incomes. But they stood in this matter not so much on abstract grounds as on prescription and custom. Ever since they had had the income tax they had had exemptions of some sort; but they never exceeded the amount of 200*l*. Mr. Pitt graduated the tax below that sum in order to obviate the anomaly that existed. It was always graduated on a certain principle, and with reference to classes of limited incomes. In fixing 150*l*. as the amount under which there should be exemptions, Parliament had adopted a very liberal rule. But whatever the amount was below which the exemption was fixed, above it there had always been a uniform rate. The hon. Gentleman proposed to graduate up to 500*l*.; but if they adopted that principle, there was no reason why they should not extend it to 5,000*l*. The adoption of such a principle would give rise to a controversy, which it was easy to open, but which it would be impossible to close, as to the rate at which they should tax the rich as compared with the poor, through all the gradations between extreme wealth and extreme poverty. It was his belief that Parliament would never thus sanction the introduction of a principle so dangerous. Though it would give him great pleasure to meet the wishes of the hon. Gentleman in any way, he could not consent to his proposal. It was a great deal too expensive, and, if adopted, would cost little less than 700,000*l*. a year. He need not point out that if they gave up that amount they must readjust the remissions of taxation which had been proposed in connexion with the tax. Under the circumstances he must oppose the Motion.

MR. MICHELL said, his object was to get rid of exemptions altogether.

LORD A. VANE hoped the hon. Gentleman would carry his Amendment to a division. He had heard hon. Gentlemen opposite give up principles to which they pledged themselves. The basis of the income tax was an extension for seven years; and as it was a broad principle that the man who earned his bread by hard labour should not be compelled to pay in the same proportion as the man who sat in his easy chair and did nothing, he (Lord A. Vane) should not recede from it on this occasion. As long, therefore, as he had a vote in that House, he would record it in favour of that principle. He had heard every point of the financial scheme objected to, and yet hon. Members professed to vote for the whole Budget. The whole was composed of all its parts; and as he objected to the chief part, he should vote against the continuance of the income tax as it stood. Without pledging himself to the terms of the Amendment, he would vote for the principle to which he had given his assent, in case of a division. He would not accept the whole when he objected to the chief part.

Mr. SPOONER suggested that the hon. Member for Bodmin should modify his Amendment. To impose a tax upon 100*l.* a year was to tax labour. He admitted the difficulty of graduating the tax; but he thought there could be no difficulty in fixing a minimum sum. A hundred a year was too low. The lowest should be 150*l.* The principle of the proposition of the hon. Member—namely, a graduation of the tax, he was prepared to support at the fitting opportunity; and its adoption would have the effect of getting rid of all the expense of the staff of clerks now employed at Somerset House to regulate the exemptions. He therefore advised the hon. Member not to press his Amendment on that occasion, but to avail himself of another opportunity.

Amendment, by leave, *withdrawn.*

Mr. ROBERT PALMER, who had given notice of an Amendment, providing that the income tax should be levied on the net annual value of lands, tenements, or hereditaments, after due allowance made for repairs, insurance, and management, said, that as it was now so late, he would not proceed to move his Amendment, but would move that the Chairman report progress.

Lord JOHN RUSSELL hoped that if the hon. Member would not consent to postpone his Amendment until the Income Tax Bill, founded upon these Resolutions, was before the House, he would now proceed with the Amendment.

Mr. DISRAELI observed, that, as there had been considerable discussion upon the Resolutions to-night, and as it was now nearly twelve o'clock, he thought it too late to commence a debate upon the question raised by the Amendment of the hon. Member for Berkshire.

The CHANCELLOR of the EXCHEQUER hoped the hon. Member for Berkshire would consent to state his views, because it was a matter of great importance that they should proceed as rapidly as possible with the Income Tax Resolutions. He must remind the Committee that the proposed remissions of the Customs duties could not be effected until they got through the Committee on the income tax.

Mr. MILES hoped the Committee would not attempt to proceed to a discussion on the Amendment of his hon. Friend (Mr. Palmer) to night. It was a proposal which required full consideration, and it was impossible that a discussion on such a subject, commenced at midnight could be satisfactory.

Lord JOHN RUSSELL admitted the importance of the proposition, which was, he believed, exactly the reverse of that made by the hon. Member for Buckinghamshire; but he regretted that they would not be able to make further progress in the discussion of the Resolutions to-night. He would propose, however, that they should proceed with the consideration of the Resolutions in Committee on Monday.

Mr. DISRAELI said, the noble Lord might find that the discussion on the Amendment of the hon. Member for Berkshire would be longer than he anticipated, because the noble Lord was mistaken in supposing that the Amendment of that hon. Gentleman was a counter-proposition to thot which he (Mr. Disraeli) had made, and therefore some discussion might be necessary to show the noble Lord that he was in error.

The House *resumed;* Committee reported progress, and obtained leave to sit again.

ENTAILS (SCOTLAND) BILL.

Bill, as amended, *considered.*

Mr. DUNLOP said, that he had an Amendment to propose to this Bill, which was in all respects an excellent Bill. The entail of an estate held in his family was executed after the 1st of August, 1848. The next heir was the eldest son, born a year before the execution of the entail, and until his eldest son was twenty-five years old, no lease for building a dwelling-house could be granted. That must be a period in all probability of half a century. The estate was near a village; and the labourers employed in improving the estate had to be kept in hovels, owing to the want of power to grant leases. To meet this state of things, he begged to propose to leave out certain words, for the purpose of introducing others, so as to give additional powers to the Court of Session.

Amendment proposed—

> "Page 3, lines 14 and 15, to leave out the words between 'entail' in line 14, and 'the granting' in line 15, and to insert the words 'whether the tailzie under which he holds the entailed Estate be dated prior or subsequent to the first day of August 1848 to authorise,' instead thereof."

The LORD ADVOCATE said, the House was doubtless aware that till 1848 entails were in perpetuity, except under the Montgomery Act and another Statute. The question was then carefully considered ;

and one of the provisions of the Statute then passed was, that the provisions of the Montgomery Act, under which power was given, in certain circumstances, to grant feus on entailed estates, should not apply to entails after the 1st of August, 1848. The Bill, however, did not profess to disturb the arrangements under that Act in any way whatever. It was intended to facilitate procedure. The Amendment substantially proposed to alter the 10th Clause of the 11th and 12th Victoria. It was not desirable to disturb so recent and deliberate a settlement of the question, and therefore he hoped the Amendment of his hon. Friend would not be pressed. If it was, he must oppose it, for the reason that the Bill only proposed to regulate process, and this Amendment was a modification of the Statute of 1848.

Mr. CRAUFURD said, he would refer to the title of the Bill for the purpose of showing that it proposed to do more than regulate procedure; and the Amendment only gave a power which the Bill of Lord Rutherfurd did not give. He trusted his hon. Friend (Mr. Dunlop) would divide the House on the subject, and ascertain whether they were sitting under a Government who were willing to improve the laws of the country or not.

Mr. CUMMING BRUCE said, he thought the better course would be for the hon. Gentleman to bring in a separate Bill to effect the object he was desirous of attaining. The present Bill was simply a measure to facilitate the procedure under Lord Rutherfurd's Act of 1848. He (Mr. C. Bruce) had sent the Bill to his constituents, and they had informed him that they highly approved of it. The Amendment now proposed had nothing whatever to do with the object of the Bill.

Lord JOHN RUSSELL said, he hoped the hon. Gentleman would allow the Bill to proceed. If it was thought desirable to extend the law of Scotland, it should be done, as had been suggested, by a separate measure. He would submit that the Bill ought not to be defeated by such an Amendment as was then before them.

Mr. DUNLOP said, that all he sought to do was to extend to one class of entails, which had been excluded from the Act of 1848, the provisions which this Bill proposed to make as to another class.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 120; Noes 24: Majority 96.

Report *agreed to.*

The House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, May 9, 1853.

Minutes.] Public Bills.—2ª Copies of Specifications Repeal.
Reported.—Burghs (Scotland).
Royal Assent.—South Sea and other Annuities Commutation; Slave Trade (Sohar in Arabia); Slave Trade (New Granada); Metropolitan Improvements (Repayment out of the Consolidated Fund); Law of Evidence (Scotland); Office of Examiner (Court of Chancery); Clergy Reserves (Canada); General Board of Health; New Forest Deer Removal Act Amendment.

CONVENTUAL ESTABLISHMENTS.

The Earl of SHAFTESBURY having presented a petition from Beckenham, praying that nunneries may be subjected to a more efficient system of inspection and control,

The Archbishop of DUBLIN said, that a Bill had been brought into Parliament for effecting the same object as was prayed by the petition just presented by the noble Earl, and by other petitions of the same kind; but as he should be absent when it came on for discussion in their Lordships' House, he trusted their Lordships would excuse his saying a few words upon this occasion. He heartily concurred in the general prayer of those petitions, for it was his full conviction that some additional protection was wanted for the liberty of individuals, not from the oppression of the Government, but of other individuals. In the ultra-Liberalism, and the other "*isms*" with which he had been charged, he had never been charged with a wish to abridge the civil or religious liberties of his fellow-subjects; and he meant to cast no imputation upon Christians of any particular denomination; but the possibility, and he must add the probability, of great oppression being exercised in secret matters, did, as he thought, call for some legislative interference; and he was convinced that a Bill might be framed, that ought to be passed, not so much to abridge as to secure the liberties of individuals. Their Lordships might consider whether it was not possible, virtually, that such a thing as imprisonment or transportation for life might be inflicted upon persons without its coming to the knowledge of any persons connected with them, and without their having any means of redress. Now, suppose a young woman—though he did not see why legislative interference should be confined to one sex—was received as a novice in some institution, and was placed under coercion. Her friends might have some suspicion about her, but on inquiry her existence was denied. They were told that nothing was known about her—or, if the novice were in the house, they were told she was too unwell to see such and such a person, or wished to have nothing more to do with them. And it must be remembered that there were institutions in this island which were affiliated with similar institutions on the Continent. Therefore as he had said, persons might be sentenced to undergo the illegal penalty not only of imprisonment, but of transportation for life; and it was no such impossible a thing when inquiries likely to be troublesome or dangerous were set on foot, for a person to be spirited away to some foreign institution, and there for ever to be kept out of the sight or knowledge of his or her friends. He would mention a case that had come under his own knowledge, and for the accuracy of which, therefore, he could vouch. It occurred very lately. A young boy was in the service of a certain institution, and resided there. Fortunately he had a father and mother alive; and occasionally he went home to see his parents, but upon one occasion he did not go to visit them as usual. They became alarmed, and inquired about him, but were put off by an evasive answer. At last they became very much alarmed and excited, and went at the head of a body of police to the institution and demanded him, and he was produced; but he was in so dreadfully mangled and lacerated a state, as to make one's blood curdle at the thought of the cruelties that had been inflicted upon him. The wish appeared to be to incarcerate him until his wounds were healed. If he had not had a father and a mother living, their Lordships might guess what chance he would have had of redress. Another instance had come to his knowledge, in which he was unable to prove that any unfair means had been resorted to, but he would suggest whether such a thing was not possible. A lady in Dublin, most of whose relatives were Roman Catholics, had formerly belonged to that Church, but was then, and had been for many years, a member of the Established Church, and brought up her children as Protestants. She was frequently assailed with offers of pecuniary assistance—being in very narrow circumstances—if she would return to the Church of Rome. Her Protestant friends and acquaintances—relatives she had none—procured for her a situation in England, where she might live with tolerable ease and comfort, and be free from that mode of molestation. A passage was even engaged for her in a vessel, but just at that time she disappeared, and had never been seen by any of her friends since. They inquired earnestly for her; they traced her from one house to another, and at last ascertained where she was, but could only obtain a message from her saying she had returned to the Church of Rome, and wished to have no further intercourse with her former friends. That might be all very true, but it certainly would have been more satisfactory, more calculated to lay aside all suspicion, if she had been produced and said that herself. Remonstrances were made, but in vain, and at last a letter was produced from her which all her friends considered was not in her handwriting. The message and the letter might be from her; but if some legislative enactment had been in existence which would have compelled her production, he put it to their Lordships whether it would not have been more creditable to the institution itself that its innocence should be established, rather than that it should continue under an unjust suspicion. It was not many months ago that that had occurred. That really showed what every one must feel might possibly take place; and surely some redress might be devised such as the law did not now afford. They had been told that if it could be ascertained that a person was confined illegally, the law afforded a remedy; but it was the most difficult thing to ascertain whether a person was illegally confined, and in most cases, if there was any such unfair procedure, it might be so conducted as to make it impossible satisfactorily to prove that it had taken place. For the credit, then, of the institutions themselves, it was desirable that some legalised mode of inquiry should be established. If he were prepared to do so, he should not upon that occasion go into the details of such a measure as he thought desirable; but so far from being an encroachment on domestic privacy, or freedom, civil or religious, he was convinced that a measure of this kind was called for for the better security of the freedom of his fellow-countrymen.

The BISHOP of NORWICH hoped that some such measure as that referred to by the right rev. Prelate would be framed to secure the main object of these petitions, at the same time avoiding all undue interference with the religious institutions and privileges under discussion. He could not but concur with the right rev. Prelate in thinking that such a measure would be for the credit of the institutions themselves, for, being conducted on their present system of secrecy, they could not exist in this country without suspicion, and, it might be, unmerited obloquy. The right rev. Prelate had referred to some cases that had come under his own knowledge; he also would mention one case that had come under his immediate observation some few years ago. He was at that time residing in the neighbourhood of Dublin; an application was made to him by a Roman Catholic mother, who asked him to obtain some information respecting a particular nunnery in which her child, about 15 years old, had been placed. There was no doubt she was in a nunnery, and the mother did not intend to resist the destination of her child—she thought, indeed, that such a wish would be sinful—but she wanted to know where her child really was, and occasionally to have access to her. She made application to him under the impression that he was a Roman Catholic priest, and he felt himself bound to undeceive her, and the result was, that he did not obtain entire possession of the circumstances of the case; but he gave her the best advice in his power, that was, he referred her to Dr. Murray, the late Roman Catholic Archbishop of Dublin, under the impression—which he was sure if their Lordships had had the same acquaintance with him that he had, they would have shared—that he would obtain for her all the satisfaction she wished. But, at the same time, it was not right that an ecclesiastical authority like that of Dr. Murray, however well-disposed, should have a control over the civil rights of individuals. How did they know who might be confined in these nunneries? There might be lunatics confined there; and he therefore hoped at no distant period the subject might engage the attention of the Government.

THE RULES OF THE HOUSE.

Earl FITZWILLIAM having risen to give a notice, was met with loud calls for the Orders of the Day. Several Bills having been read 3ª and passed, the noble Earl again rose to give notice,

Lord BEAUMONT called to order. They had adopted certain rules of proceeding. He protested against those rules as being too stringent, but having adopted them they ought to be governed by them.

Earl FITZWILLIAM again said he wished to give notice. [*Calls of* "Order!"]

The **Earl of CLANRICARDE** moved that this House do now adjourn.

Earl FITZWILLIAM said, he was not going to make a speech, he was only going to give notice that to-morrow—

Lord REDESDALE rose to order.

The **Earl of CLANRICADE** repeated the Motion for adjournment, for the purpose of remarking on the position in which they now were. The time allotted by the rule for the presentation of petitions had been occupied by the interesting speeches of the two right reverend Prelates on other matters; and the consequence was that noble Lords who, like himself, had petitions to present, were precluded from doing so. The petitions might refer to Bills to be passed that evening; and if so, there was no fair opportunity given to the people to petition. He was unprepared to make a Motion on the subject; but he thought a too strict adherence to the rule most inconvenient. The noble Earl on the cross benches rose to give a notice which would have evidently not occupied two minutes of their Lordships' time; but if he was prevented doing that, and if they were prevented from entering upon important discussions at the most opportune moment, by the operation of the rule, it was quite clear the rule ought to be altered.

The **Earl of WICKLOW** said, every argument used now was just as applicable when the rule was agreed to by a large majority of their Lordships, and that a violation of it, if only for two minutes, was just as much a violation as if for an hour. It was desirable it should be adhered to, and he hoped every infraction of it would be resisted.

Lord REDESDALE said, the noble Earl might give his notice after the Orders of the Day; and the objection of the noble Marquess was met by the Standing Order, which stated that petitions relating to any Bill might be presented at any time before the Motion was made. He trusted their Lordships would adhere to their own order. The course of proceeding in their Lordships' House had, it must be admitted, been considerably improved, and there had been much greater tendency to discuss questions fairly and practically, from Members having notice of the particular time at which they would be brought forward. But if the existing Orders were infringed in the slightest degree, they would never be able to adhere to rule, and the inconvenience would return which at present they had got rid of.

The EARL of ABERDEEN said, the explanation of the noble Lord the Chairman of Committees had removed all inconvenience upon the subject. All that was required was for the noble Earl, as soon as the Orders of the Day had been disposed of, to give his notice. It might cause him some slight inconvenience to wait; but regulations had been adopted which, upon the whole, had worked well, and it would be very unwise to infringe them.

EARL FITZWILLIAM said, he had been most improperly called to order. He had infringed no order, and he did not propose to present any petition; he had not even proposed to ask a question from a Minister, nor did he propose to originate any discussion upon any subject whatever. He intended simply to intimate that, with reference to the business of to-morrow, he should to-morrow make a Motion that there should be laid before the House an account of all moneys paid by the Ecclesiastical and Church Estate Commissioners to lawyers and surveyors in their employ, and also an account of all moneys which might have been paid to those lawyers and to those surveyors by any cathedral or collegiate church, or any of their lessees. Now he had given his notice.

LORD REDESDALE, in order to satisfy the noble Earl that he had been out of order would read the words of the rule that had been adopted, namely, "That after 5 o'clock the House would proceed, at the desire of any Peer, with the business on the paper in preference to any other matter."

EARL FITZWILLIAM: That does not say a Peer is not to get up and give notice that he will make a Motion. I think the cases are totally different.

On Question, *Resolved* in the *negative.*

DWELLINGS FOR THE LABOURING CLASSES.

Report from the Select Committee *considered* (according to Order), and *agreed to:* Then the Order of the Day for the Lords to be Summoned being read, it was *moved* to resolve, "That before the First Reading of any Bill for making any Work, in the Construction of which compulsory Power is sought to take Thirty Houses or more inhabited by the Labouring Classes in any One Parish or Place, the Promoters be required to deposit in the Office of the Clerk of the Parliaments a Statement of the Number, Description, and Situation of the said Houses, the Number (so far as they can be estimated) of Persons to be displaced, and whether any and what Provision is made in the Bill for remedying the Inconvenience likely to arise from such Displacement."

The EARL of SHAFTESBURY said, that this Resolution would go far to remove a general complaint that was now made; and he had to express his thanks to the noble Lord the Chairman of Committees for the great service he had rendered in the framing of the Resolution. If he might judge by the letters he had received from Mr. Cubitt and others, he was satisfied that by adopting this Resolution their Lordships had gone far towards instituting the very best relations between capital and labour that were capable of being made in relation to this subject.

On Question, *agreed to;* and ordered accordingly: and to be added to the Roll of the Standing Orders of this House.

INDIAN GOVERNMENT.

The EARL of AIRLIE rose to ask a question of the noble Earl at the head of the Government with reference to the measure which it was intended to propose for the future government of India. In putting this question, he hoped he should not be considered as acting in a manner which was inconvenient or uncalled for. He did not seek to be informed as to the details of the measure which it was intended to propose for the future government of India; but he wished to ascertain whether it was intended to be the first of a series, or whether it was to stand alone. Was it, or was it not, to be understood that in adopting the measure to be proposed by the Government, Parliament was virtually pledging itself to abstain from interfering with the affairs of Indian Government during the period that the provisions of the intended Bill should be in force? Was it to be understood that for such period the question was to be considered closed? That was a question not of detail but of principle, and it was one upon which it was very desirable their Lordships should have a clear understanding. He need not remind their Lordships that the Committee of the other House had, at the close of last Session, only reported upon one of the heads or subjects referred to them; and that their Lordships' Committee, though they took a somewhat wider scope, were yet very far from exhausting the subject. He should not, he hoped, be considered as speaking disrespectfully of the majority of their Lordships when he said he did not think that, with the exception of those who had had experience in India, and with the exception also of Her Majesty's Government, the rest of their Lordships were very competent to form an opinion upon questions on which their own Committee had reported so late as the close of the last Session, that a large field of investigation was still open, and on which the Committee of the other House had expressed themselves perfectly ignorant. He excepted Her Majesty's Ministers, because he did not wish to overstate the case. He did not mean to say that they had not sources of information to which private individuals had not access; but he must say that if Her Majesty's Government called upon Parliament to legislate on such a subject at a time when they must necessarily be very imperfectly acquainted with it, they would incur a very grave responsibility. It might be said that their Lordships' Committee had reported upon the first head—that relating to the authorities for administering the Government in India and at home; and that therefore Parliament might properly proceed to legislate upon that subject. He did not deny that at all. Parliament was perfectly competent under such circumstances to deal with such a question; but he contended that the other heads of inquiry not yet investigated had reference to questions of at least as great importance as that on which their Committee had reported. There were the land revenues, the naval and military establishments, internal improvements, education, judicial establishments, and ecclesiastical provisions for the diffusion of Christian instruction. What was Government but a name, unless it was associated with these matters? and what was to be said of a measure which should profess to provide for the future government of India, and which yet should ignore these questions? They might, with their present information, be able to produce a very useful measure, and one much called for, but not a measure calculated to place the Government of a great empire on a permanent footing. If they proceeded in this Session to legislate finally, and as it were in the lump, on the subject of the government of India, they would place themselves in the dilemma either of taking the responsibility of legislating on matters of great importance with which they were imperfectly acquainted, or of leaving out a most vital part of the question. They would be playing at legislation—they would be trifling with the shadow, when they should be grappling with the substance. Imperfect as was his acquaintance with the subject, he had yet learnt enough to satisfy him that though the government of India had worked well as a whole, there were yet many matters connected with it which called for a searching inquiry, and some, it might be, for a thorough reform. It was then, he contended, no light matter, it was no mere question of detail, whether the measure to be proposed by the Government was one which, while it reformed those abuses which called most loudly for redress, still left the way clear for further reform, or whether it was a measure of which the effect would be to cut short the labours of the Committees of both Houses, to postpone inquiry, and to act as a bar to further legislation. The question which he had to put to the noble Earl at the head of the Government was, whether the measure which it was proposed to introduce for the government of India was to be based on the evidence and the Report of the Select Committees of both Houses of Parliament; or whether they were to be called on to legislate this Session on matters which had not yet been investigated? In putting this question, he placed himself entirely in the hands of the noble Earl. If an answer implied the revelation of premature disclosures, he, of course, could not expect one; but, at the same time, he must say he would feel greatly disappointed.

The **Earl of ABERDEEN** thought their Lordships must feel that it would be somewhat premature if he were to attempt to answer the question of the noble Earl. Notice had been given that a measure for the future government of India would be introduced into the other House of Parliament before the end of this month. The noble Earl would then see what the nature of the measure was, and how far the questions he had introduced would be answered by that measure. As to precluding Parliament from future legislation on India, certainly nothing of the kind could be intended; but their Lordships would be able to judge in a very short time what the nature of the Government measure was.

LAND IMPROVEMENT (IRELAND) BILL.

Order of the Day for the House to be put into Committee (on recommitment) read.

VISCOUNT CANNING *moved*, That the House do now resolve itself into Committee.

LORD MONTEAGLE said, this Bill came before their Lordships only as a part of a general system of legislation respecting real property in Ireland, involving very peculiar principles, which he took upon himself to say their Lordships ought not lightly to sanction. With regard to the relations of landlord and tenant, he should be most willing at all times to sanction the application to Ireland of those principles which prevailed in this country; but this measure involved provisions of a very unprecedented kind, and which, to say the least, would require grave consideration. The only defence of this Bill that he had heard was, that it was to be entirely inoperative—a defence not very creditable to its framers; it proposed to improve land by drainage with borrowed money; but unless the borrowing powers were made really effective, which they were not, it was not likely the Bill would be operative. This, however, was no reason, but the reverse, for passing a measure which it was admitted would be practically nugatory. But though inoperative for good purposes, it might, nevertheless, be operative for necessities. Experience had taught him to apprehend danger from Bills of this description. He remembered that when the Million Act for drainage was introduced into Parliament, in 1846, it was proved that it could not be operative, because it was so framed as not to admit of raising loans. Yet it was passed; and what happened? They were told that the non-execution of the Act, arising from the omission of any provision for lands under settlement, was not the fault and blunder of its framers, but was conclusive evidence of the want of energy, patriotism, and public spirit on the part of the landed proprietors of Ireland. Because they could not do that which the defect of the law made impossible, they were told upon high official and written authority, laid before Parliament, that they were to blame, and not the Bill. Now, he was quite sure that a similar failure would be the result of the present measure. But let it be supposed that it would be acted on, the objections to the Bill would be still more glaring. Their Lordships would not for a moment consent to the extension of certain provisions of this Bill to England and Scotland—and why should they sanction them in respect of Ireland? By the fifth clause any occupying tenant, without any limitation as to the extent of land he occupied, or the amount of his beneficial interest, if he was in possession of a lease two of the lives in which were unexpired, however aged they might be, was placed in an extraordinary position, for it enabled him to incur heavy responsibilities, not for himself, but for others, strangers to the whole proceeding, or even dissenting from it. Now, if the tenant were authorised to mortgage or pledge his own interest for the improvement of the land he occupied, he (Lord Monteagle) would not object. But what was done by this Bill went to constitute him the owner. The Bill enabled him to apply for loans in the character and in the position of the statutable owner; and to create a debt, not binding only on himself or his interest only, but binding on the owner and on the interest of the reversioner, who might be no party to the contract, and who might even disapprove of it; but upon whom, notwithstanding such dissent, there was cast for twenty-four years an onerous contract; for the instalments for repayment of principal and interest were made a first charge upon the land, and deteriorated the value of the inheritance to that extent. Was this just? Was this a principle their Lordships would be willing to apply to this country—ought it to be applied to any country? Let them permit the tenant to pledge his own interest, if he will, or the landlord's interest, with consent of the landlord; but do not let them create out of the occupying leaseholders a class of owners claiming distinct rights, and acting for themselves, if not to the exclusion of the owner, at least to the abridgment of his interests. It was to this principle he mainly objected as inconsistent with sense and justice. The Bill further enacted that the occupier, in making application, should be bound to give notice to his immediate lessor, and when he had given notice to such immediate landlord of his intention, and he had satisfied the Commissioners of Public Works that such notice had been given, the Commissioners of Public Works—officers of the Crown holding their places during pleasure, and not responsible judicially, were authorised, if they should require it, to ask for the consent of the landlord. This should be made imperative, and it should embrace the owner of the inheritance as well as the immediate lessor, who were far from being in all cases identical. This was not a principle by which the real property of any country should be regulated. Parliament had no right to bind any man to a pecuniary contract, except with his own consent. This Bill, however, was, as he had stated, only part of a great *corpus juris* on the subject of landlord and tenant. Their Lordships had as yet only got before them one out of four Bills introduced on the subject of the law of landlord and tenant, three others being still before the Commons; and he would therefore ask his noble Friend (Viscount Canning) to postpone this measure till they had received the other Bills from the other House, in order that the whole might be sent before a Select Committee of that House, as had been done in the other House of Parliament. On the grounds he had relied on, he might have moved that the Bill be negatived at its present stage; but he thought it more prudent and more conducive to the interests of sound legislation to propose a postponement merely. He would move, therefore, that the House resolve itself into Committee on the Bill that day month, in order to admit of taking the course he had recommended.

Amendment *moved* to leave out ("now") and insert ("this day month").

The Earl of DONOUGHMORE differed from the noble Lord in his opposition to this measure. The other Bills to which he had referred were not likely to pass this Session, and, therefore, it would be a waste of time to wait for them. This Bill had nothing to do with those other measures, though it happened to be brought in at the same time with them by the late Attorney General. This measure was identical in its provisions with the Act of 1847, commonly called the Land Improvement Act, which had worked so admirably in Ireland, and had given such general satisfaction. Under that Act advances were made from the public purse in return for an annuity at 6½ per cent, payable half-yearly for twenty-two years, for the improvement of landed property by drainage, &c., in Ireland. This Act had worked so well, and effected so much good, that it was most desirable to renew it; but as it was not proper, for many reasons, that any further money should be advanced from the public purse, the present Bill proposed to empower the requisite sums to be raised from private parties. The 5th Clause of the Bill contained this provision—that the Bill with this exception was the same as the Act of 1847. Therefore there was no new principle in question, and if objection was to be made, it should have been made to the Act of 1847. In seeking to improve the soil of Ireland, which was admitted to be the great object of the Legislature in passing the Act of 1847, their Lordships should afford all the encouragement in their power to the tenant-farmers, for it was by that class, speaking generally, that all great agricultural improvements had been effected. Who had fertilised the stiff clay lands of England? The tenant-farmer. Who had converted the barren pastures of the Lothians into the richest corn fields in the kingdom? The tenant-farmer. Let it not be said that the Legislature passed only Acts intended to benefit the landlord, and was afraid to trust the tenant-farmer. True, there were in Ireland some tenants who might abuse the trust reposed in them, but there was daily rising in that country a class of men worthy of confidence. This class was formed of men independent in circumstances, and possessed of knowledge and intelligence, and to them, aided by the landlords, we must look for the improvement of the country. Regretting to differ from many of his countrymen on this question, he nevertheless felt it his duty to give his cordial support to the Bill.

The Earl of LUCAN contended that tenant-right, which he described as a most mischievous and communistic principle, was involved in the present Bill, and he could not consent to give his sanction to the passing of such a measure. With respect to the arguments which had been adduced as to the Act of 1847, he declined to adopt the legislation of that year of famine as applicable to the circumstances of Ireland in the present time. The Bill of 1847 was passed to enable a public Board to give employment to the redundant population, and under it 700,000 persons were employed and supported for a considerable time. It was found, however, that no public Board could superintend such extensive operations, and a subsequent Bill gave to the landowners the means of improving their land and employing the labour of the country. He believed the present Bill had been allowed to escape the notice and attention of the House of Commons; and all that was now asked of their Lordships was the very modest request to allow the Bill to be postponed for one month, until the other Bills should come up from the House of Commons, when they would have an opportunity of considering the principles involved in the whole of them, and their mutual bearing upon each other.

The Earl of WICKLOW differed from the noble Earl who had last spoken with regard to the proposition of Lord Monteagle, considering it so unreasonable that he trusted his noble Friend who had charge of the Bill would decline to comply with it. What was the fact? Session after Session noble Lords were constantly rising in that House, and complaining that they sat there with nothing to do until the dog-days arrived; and yet when a Bill came up from the other House for their consideration, it was at once proposed to adjourn it until a period when they knew it would be utterly impossible thoroughly to consider it. The measure was recommended to their Lordships on its own merits, and had no connexion with the other Bills referred to by the noble Lord who moved the Amendment. It was true that the Bill was introduced by the late Attorney General for Ireland under the Earl of Derby's Administration, who also introduced the four other Bills which had reference to the landlord and tenant question; but that was all the connexion between them. This Bill stood on its own merits. The Bill itself was a well-digested measure, though at the same time he objected to the Amendment proposed to be inserted by the noble Lord who had taken charge of it. Unless the fifth clause were materially altered, he feared the Bill would not have any operation in the borrowing of money, though it would have considerable operation with tenants for life in employing their own money. With regard to the machinery of the Bill, it was the same as that which which was contained in the Act of 1847, and to which no objection was raised. The noble Earl who spoke last was mistaken in supposing that the Act of 1847 was framed with reference solely to the exigencies of the famine period. On the contrary, it was one of three measures applicable to England, Scotland, and Ireland, by which Sir Robert Peel endeavoured to make the landed interest compensation for the injury inflicted by the repeal of the corn laws. Approving highly of the Bill, as he did, his approbation, however, did not extend to the Amendment introduced into it by the present Government. It was unreasonable to invest any public Board with power to determine that tenants should make improvements against the will of the landlords; it would be far better to give the power directly to the tenant, or to withhold it; but, whilst thinking so, he could not consent to the Motion of Lord Monteagle for postponement.

The Earl of EGLINTOUN said, that this Bill did not pass through the Select Committee appointed to investigate the Tenant-right Bills before Parliament last Session, because it did not come within the category of a Tenant-right Bill. He was privy to the framing of the Bill, and it had been approved of by the late Irish Government, and the noble Earl (the Earl of Derby) at the head of the late Government; but he certainly had never considered it as a Tenant-right Bill. The only relation which this Bill bore to the others which the late Attorney General for Ireland had brought in last Session, was, that they were all brought in by the same person. This was an exact counterpart of the Bill of 1847, which, by universal consent, had worked remarkably well, with the exception of the few words which had been introduced by the noble Viscount (Viscount Canning), which, in his opinion, would be inoperative. He did not wish to taunt the noble Earl (the Earl of Lucan) either with opposing or supporting the Bill of 1847; but if the Bill of 1847 had worked so well, what reason had he for objecting to this Bill, which was framed upon precisely the same grounds? He had been informed by Mr. Griffiths, that, whenever money was sought to be borrowed under that Bill, he had thought it his duty to obtain the consent of the landlords. With regard to the much-objected to Clause 5, he believed that the term "ownership," which appeared to alarm the minds of so many noble Lords, was merely a nominal term. This Bill nominally put persons in the position of owners to enable them to avail themselves of the advantages which it conferred on them. At all events he did not think there was sufficient danger in adopting the clause to prevent him from giving his cordial support to the Bill.

Lord BEAUMONT felt some apology was necessary for making any observations upon a Bill that was not likely ever to be extended to England, and which must, therefore, be regarded as a measure that affected Irish Members exclusively, and ought in consequence to be submitted to their judgment alone. If they approved of the scheme, he would not oppose the Bill, which might be considered somewhat as a private arrangement. Still he must express the strong objection he felt against its principles—first, because they invaded the rights of property; and, secondly, because in the present transition state of Ireland they must prove singularly injurious. The Bill placed tenants for life and tenants generally in the position of owners, and gave to occupiers rights which could only belong to those in whom the soil was vested. It actually took away from the latter the power of managing the land, and placed it in the hands of a public Board. By this Bill the lessee was no longer bound by the terms of his lease, but might deal with the land as though he was possessed in fee-simple; while the real owner of the fee-simple was obliged to deal with his property, improve it or waste it, as certain commissioners, in their wisdom, thought advisable. It was no doubt very proper that trustees should be appointed in the case of minors and lunatics; but surely the landowners of Ireland were not all to be regarded as belonging to one of those classes or the other. Reference had been made to the Act of 1847; but, as had been said, that referred to public money, and the State was bound to see that the funds so lent were not irretrievably lost. The present Bill, however, proposed to deal with the ordinary transactions between man and man with respect to borrowing money, and there was no pretence whatever for the intervention of a Board. No doubt it would be an excellent thing for tenants to invest their capital under the Bill, for it would be just the same as purchasing an annuity upon the security of another man's property. Their Lordships might depend upon it, that if they passed these Bills, interfering with the ordinary relations of landlord and tenant, they would be doing a serious injury to Ireland, for they would prevent men of capital from going over to that country, by exciting a fear that unnecessary burdens would be placed upon the land, rendering it an unfit object for investment. So much for the principle of the Bill. If he went into its details he thought he should be able to show that, for a "well-digested measure," it was as full of faults as any Bill that had ever come up to their Lordships' House; but for the present he would only protest against it altogether.

The Earl of **GLENGALL** also opposed the Bill, considering that nothing could possibly be more objectionable than to leave to a public Board the power of arbitrating between the landlord and tenant. True, a similar measure was passed in 1847; but it should be remembered that they were then dealing with public money, and that, therefore, supervision and management by a public Board was absolutely necessary. But he could not forget that a vast deal of money was expended under the Drainage Act in the most reckless and scandalous manner. He approved of the suggestion of Lord Monteagle for postponing the Bill until the others came up from the House of Commons, when they might take the whole, consider them side by side, and see how they were likely to work together. The Tenants' Compensation Bill, the Leasing Powers Bill, and another Bill, all of which were to come up to this House, were every one of them most materially connected with the present measure. The Bill before their Lordships gave to the landlords the power of compelling a tenant who had a lease to effect improvements, or to lay an increased amount of rent upon him if he failed to do so. What did the Tenants' Compensation Bill do? Why, it conferred a similar power on the landlord. The provisions of this Bill were inconsistent with those of the Leasing Powers Bill. Great abuses would probably creep in under the present Bill, and receivers, who were in general attorneys, would have power to create heavy charges upon the property over which they were placed. It might, no doubt, be said that the matter could be brought before the Master; but their Lordships could have very little idea of the way things were managed by interested parties before the Master. He submitted that they should wait until they had the three Bills before them, and should consider them all together.

Viscount **CANNING** apprehended that in dealing with a thing so substantial as land, what was a principle in 1847 was equally a principle in 1853. The noble Lord on the cross benches (Lord Monteagle) spoke of the Act of 1847 as one which had worked well in the time for which it was passed, but which was now inoperative. That, however, was far from being the fact; for the Act of 1847 was still in operation, and of the 2,000,000*l.* advanced between 1847 and 1850, 500,000*l.* was at this moment unappropriated. Again, a statement was made in reference to the Act of 1847, that that Act was no model or guide in this instance, because the money borrowed under it had not been taken advantage of by tenants. Now, every day they heard of a part of this money being appropriated upon the same principles on which their Lordships were asked to agree to this Bill. He would read an extract from a letter he had received that very morning from Mr. Griffiths. It was in these words:—"In reply to your communication, I beg to say there have been a considerable number of loans of small amounts made to tenant-farmers holding under short leases for lives, under the Land Improvement Act, and that in every case the landlord approved of the loan being made." With reference to the suggestion that this Bill should be postponed until all the other Bills referring to the same subject should come before the House, and then all referred to the same Committee, he would remind their Lordships that that was not the course followed in the House of Commons. There it was never suggested that this Bill should have its progress stayed until the other four Bills were in such a state that they should be considered together. The truth was, except that they bore the names of the same Gentlemen on their back, he saw no other reason for referring the Bills in question to the same Committee. It had been said that this Bill had passed unobserved through the House of Commons; but this was not the fact, for the Bill was very fully discussed in Committee; and there were two clauses in it which owed their existence to Amendments made in that House, and not passed until after considerable discussion. The noble Lord behind him (Lord Beaumont) said he would not desire to be placed in a better position than that of being a tenant of property in Ireland under this Bill, inasmuch as he (Lord Beaumont) would have, for the security of his improvements, an annuity, though a terminable one, at the expense of the landlord. The noble Lord could not have read the clause, or he would not have come to such a conclusion: the person who derived the immediate benefit from the land was the person who would have to pay 7½ per cent as interest on the money advanced; the tenant would receive no money from the landlord. The last objection he should notice was one which fell from the noble Earl who spoke last (the Earl of Glengall)—namely, the alleged inconsistency between this Bill and the Leasing Powers Bill. Now, the Leasing Powers Bill was only just out of a Committee in the other House of Parliament, and since then he had not seen it, so that he could not speak authoritatively upon that point. He could not, however, believe that alleged inconsistencies, of which their Lordships had no means of judging, would deter them from pursuing what was the natural course under such circumstances, and from going into Committee upon this Bill.

The MARQUESS of CLANRICARDE said, they had been told in the course of the discussion, that the Act of 1847 was not yet expired; and if that was so, he would ask if it would not be much better to stick to that Act when it was proposed to raise money this way? For himself, he saw no reason whatever for violating in Ireland the great principles on which landed property rested in this country. Much good had been effected by the establishment of the Encumbered Estates Court, as well as some hardship; and he was very glad that that tribunal was constituted, in the horrible circumstances under which Ireland was placed at the time of its formation; but, he asked, would any man now suggest that such a court should remain a permanent institution for dealing with the landed property of England, Ireland, and Scotland? That great improvements had resulted from such an institution in the transfer of landed property, he was ready to admit; but to say that a tribunal which had its origin in a season of calamity should remain as a permanent institution, he thought would be an unwise and mischievous policy. He had been greatly struck by the manner in which tenant-right had been mentioned in connexion with this Bill. Their Lordships were called upon by the Bill to give one man the power of charging and creating an annuity upon another man's property. The Commissioners, upon the application of a tenant who had a lease for life, or upon the lives of others, might, without the consent of the landlord, and even without the landlord's knowledge, if they thought fit, allow that tenant to create this annuity chargeable upon another man's property. This was a very serious matter. A noble Lord had asked, had not all the great improvements in the land of Great Britain been made by tenant-farmers and occupiers? He (the Marquess of Clanricarde) denied that that was so. That noble Lord had cited the Lothians in proof of that assertion; but he (the Marquess of Clanricarde) would ask what were the conditions under which the land had been improved in the Lothians? Why, those improvements had been made by tenants holding under leases for nineteen and twenty-one years. He would say, then, let the improvement of the land in Ireland depend on the same conditions as those on which the great agricultural improvements in England and Scotland and many parts of the Continent depended, and not upon exceptional legislation, as contemplated by the Bill before their Lordships. He objected all the more to the Bill, because it was connected with others that were coming up from the Lower House of the most serious character. He objected to the principle of the Bill. He should not be such a stickler for the principle involved in the question, if he thought the Bill would produce any great improvement in Ireland; but he did not see anything in its provisions which would excuse the breach which it effected in the law relating to real property in that country. The measure either was or had been connected with other Bills which were coming up to their Lordships' House, and which were of the utmost importance; and his belief was that property would not be safe, if the Legislature went on teaching to the tenantry of Ireland that they had rights other than those they legally possessed by their contract with the landlords. That appeared to him contrary to all those principles of sound legislation under which England and Scotland had obtained the best system of agriculture extant.

The EARL of DERBY: My Lords, if I thought the Bill at all involved the question just suggested by the noble Marquess opposite, namely, that by its adoption tenants would imagine that they had a permanent vested interest in land beyond that which they are entitled to by their contract, I should be one of the last persons to ask your Lordships to agree to any legislative enactment sanctioning such a principle; but, entertaining the opinions which I do, and certainly knowing that the intentions of the framers of the Bill are totally opposed to any such views, and believing there is nothing in the provisions of the Bill which will justify the arguments of the noble Marquess, I confess it is to me a subject of very great regret that there should be any indication on the part of any of your Lordships connected with Ireland to take a view of this question which is so widely different—I will not say from the opinion of the majority, but I will venture to say—from the almost unanimous opinion of the representatives of Ireland in the other House of Parliament. There are many connected with Ireland in that House who are as warmly opposed as I am, or as the noble Marquess can be, to the principle of what is commonly called tenant right, or rather those undefined claims on the part of tenants which go under the name of tenant right, and who believe that the best prospect we have of effectually putting down those unreasonable and unfounded claims is to pass a measure like the present, and the others introduced by my right hon. and learned Friend the late Attorney General for Ireland, whereby due encouragement will be given to improving tenants, without any undue violation of the rights of landed property. Now, was there in the House of Commons a dissentient voice with regard to the principle of the main details of the Bill? It was not hurried through the House of Commons; it was deliberately discussed in Committee; and when the other Bills, involving more important considerations, with regard to which there was a difference of opinion, were referred to a Select Committee, the House of Commons unanimously thought it unnecessary to refer this Bill to a Select Committee; but with the concurrence of all the Irish Members—and when they did concur their concurrence was marvellous—this Bill was sent up to the House of Lords, without considering whether it was necessarily connected with the principles involved in the other Bills. The noble Marquess says—"Why don't you deal with Ireland precisely in the same way as you deal with England and Scotland? Why do you not leave to the enterprise and activity of industrious tenants and enterprising landlords that which has already accomplished so much in the sands of Norfolk and the wild waste lands of Scotland?" Why, so far as the rights of property are concerned, the advocates of this measure do not propose to deal, with respect to Ireland, on any different principle. But what is it that has produced these improvements in England and Scotland? It is not the difference of the law in those countries, but it is that, with a lease of twenty-one years, the tenant in England and Scotland has the necessary capital to effect improvements, while in Ireland he is not possessed of the necessary capital; and that observation, I am afraid, in many cases is equally applicable to landlords in Ireland. It is not the durability of the term, or the certainty or uncertainty of obtaining a return for the outlay; but if you do not give facilities to Ireland, which you do not find it necessary to give to England and Scotland, the tenant will have no means of making any outlay, however certain he may be of receiving back his money. The object of this Bill is to enable the landlord or tenant, within a definite fixed period of considerable duration, to obtain on advantageous terms that capital which of his own he has not. Hitherto that capital has been advanced from the public funds, and it has been found, that, to a very considerable extent, the money borrowed, whether by landlords or by tenants—that a very large proportion of the money advanced from the public funds under the provisions of the Bill of 1847, subject to the conditions of the Bill, and under the control of the Commissioners who exercise control under the Bill—has had a most miraculous effect in regard to the improvement of land, and has returned great profit to the persons who borrowed the money, notwithstanding the high rate of interest which they paid. Some noble Lord has said that there is a difference between the Acts of 1847 and 1853—that what was quite right in 1847 is not consequently right in 1853. I readily admit that between the circumstances of 1847 and 1853 there is a material difference with regard to the position of landlords and tenants—a considerable alteration of the circumstances of the country; that the pressure is not so great for the immediate outlay of money for the purpose of keeping the people in life as it was in the year 1847. But I believe the noble Marquess on the cross benches is the last person to say that there is not abundant room for the outlay of capital in Ireland beyond that which is at present at the disposal of either landlord or tenant. Then comes another question. If there is such an opportunity for the advantageous application of a large amount of capital which it is not in the power of either landlord or tenant to obtain at present—if it be right for the State to abstain from perpetually continuing to advance money from the public funds—and if private capitalists can be found willing to lend money upon terms advantageous to them and beneficial to the borrower, whether he be landlord or tenant—I confess I cannot see why the principle adopted in 1847 is not equally applicable to 1853, although the necessity for raising money is not so great for the purpose of keeping the people alive in that year as it was in 1847. But, with regard to the alleged infringement of the rights of property, or with regard to the power given to landlords and tenants, or with regard to the policy of advancing money to be repaid by instalments in the course of twenty-two years—if all those principles are bad in 1853, they were bad in 1847, and if they were good in 1847 they are equally good in 1853; and however you may condemn and sneer at the phraseology and language of this Bill, it is something to say in favour of any Act of Parliament, that it has been in operation for a period of six years, and that under its operation the evils which were anticipated during its administration did not arise, and that the practical benefits it produced had been proved to result to an enormous extent. But to what extent are we infringing on the rights of property by this Bill? You are proposing to give permission in the first place to tenants for life, or to those who have an interest in land for their own lives. You are proposing to enable them to raise money which they shall be able to pay off by themselves or by their successors in the space of twenty-two years, on a charge not only sufficient to keep down the rate of interest, but to pay off annually some of the principal. Now, this is not a new principle; it is not new as applied to Ireland, or even to England and Scotland. Take the case of drainage, for example. How many Bills have you passed enabling tenants for life in possession to raise a sum of money which is to be paid off in the period of twenty-two years, without asking the consent of the reversioner or the remainderman? If you admit the principle of giving the tenant in possession a right to lay that burden for the improvement of the land, in which he has only a life interest, not only on himself, but on those who are to succeed him, who may not contemplate making any such improvements, I think you will find it very difficult to draw a distinction in principle between such a tenant for life, and those having such an interest in the land as is contemplated by this Bill. I admit that the principle, in the first instance, is this—that the object of the Bill is, that, in ordinary cases, the title of the tenant in possession shall be sufficiently long to overlap the whole period during which the repayments are to extend. If the person applying should be a tenant paying rent, and should have an amount of interest in the land equivalent to twenty-five years unexpired, consequently, during the continuance of his lease, the whole of the incumbrance would be paid off, and the landlord would have no liability left upon him, except some unforeseen event occurred by which the tenant was dispossessed. Supposing such a state of circumstances to occur, what happens? Supposing the tenant has gone on for fifteen years, and he is dispossessed at that period; he has paid not only interest upon the money borrowed for fifteen years, but he has paid 15-22nd parts of the whole capital sunk in the improvements of the land, and the landlord comes into possession of the full benefit of all the outlay of the tenant's capital for fifteen years out of the twenty-two. But my noble Friend on the cross benches (Lord Monteagle) has said there may be a case in which the tenant's interest is that of two lives, and they may be two very old lives, and in that case you give the tenant an inducement to make an outlay in the first instance for which the term of his lease is not a sufficient warrant. Now that is equally applicable to a tenant for life, who may be seventy-five or eighty years of age, who might borrow, or lease for twenty-one years, and that lease would be equally binding on his successor; so that the objection would equally apply to the case of a tenant for life, and a tenant in possession as an occupier paying rent. But let me ask my noble Friend this question. He says no tenant will borrow money under this Bill. If so, the application of this principle will not lead to those serious consequences anticipated by my noble Friend. I am afraid very few tenants will borrow. I can only say for myself that, while my tenants are disposed to borrow money from the Government, and pay 7*l.* 10*s.* a year, and as long as they are prepared to lay that money out, subject to the supervision, and sanction, and control, of the Board of Works, I shall be exceedingly indebted to any of them who shall do so. I shall agree, with very great pleasure, to any proposition that may be made and sanctioned by the Board of Works, for the application of the tenant's capital to my land. It has also been said that there may be cases where the tenant may be so unwise as to make an outlay upon the land occupied by him, though during the remainder of his term of occupation that outlay cannot be repaid to him. But what inducement will there be if the tenant's interest is really so short as is supposed?—what reason is there to anticipate that the tenant will be so unwise as to make application to lay out his money upon land, from which he is likely to be so soon removed?—to be removed, perhaps in two or three years, without a claim upon the estate, leaving his capital behind him? It has been argued that this is the mode in which the tenant may leave an annuity to his own relations charged upon the land. Now, that is not so; for the tenant's interest—both his interest in the money and his interest in the land—ceases altogether from the moment he ceases to occupy under the original lease. No doubt there is another proposition, which has been applied to other Bills, and perhaps might be applied under this Bill—that while the tenant for life might lend out his own personalty to the owner of the estate, and he might derive from that estate a benefit, it must be borne in mind that the man who borrows the money has no term beyond his own occupancy; the man who lends his money may leave an annuity, if the person in occupation has the power to raise the money. My Lords, I contend that the whole object of this Bill is to give facilities to the landlord, or the tenant having a long duration of interest in the land, to raise money under competent authority, for the purpose of effecting improvements, under circumstances in which the absence of capital, or the power of raising it under ordinary circumstances, may be applied. Believing that this is an object of great interest to Ireland; believing that the principle of the Bill is that which has already been found to work so well there; and believing that this Bill, be it right or be it wrong, has been framed under the authority of the most competent man in Ireland—under the authority of that learned and excellent man, in whose praise I cannot speak too highly, who did me the favour to accept from me the seals of the Irish Chancellorship—under his authority, and that of my right hon. Friend the late Attorney General for Ireland—when I consider that this Bill has been matured under the direction of men of the highest legal and political authority; when I know that the adoption of this Bill is looked forward to almost unanimously by every representative of every county and most of the boroughs of Ireland—I think it will be a matter of the most serious regret if you should unhappily refuse to go on with this Bill in consequence of some fanciful connexion which you believe you can trace between it and other Bills, which, however to a certain extent they may be connected together, involve principles not only widely different, but totally at variance with, and contradictory to, the principle contained in this Bill. My Lords, I do hope your Lordships will go into Committee on this Bill, and there deliberately consider it, and see if there are any of its details that require modification or improvement; and I trust you will not accept the proposition of my noble Friend on the cross benches, which, moderate as it is, I hold to be fatal to the passing of this Bill, being in point of fact equivalent to the rejection of the measure now under your Lordships' consideration.

LORD MONTEAGLE said, he did not wish his Motion to be considered one for the rejection of the Bill. The object of his proposition was to have time allowed for the consideration of the measure, and not for the purpose suggested by the noble Earl. He thought the object in view would be attained by a postponement for a month; but possibly the postponement of it for a shorter period might lead to the attainment of the same object. He had made an admission that where the tenant had already borrowed he had borrowed with the consent and approval of the landlord, and to that he made no objection. That was a just and moderate principle, because the parties interested in the matter both joined in consenting to the outlay. If they went into Committee, he proposed to introduce words to the effect that the action of the Bill should be with the consent of the landlord.

The EARL of DERBY begged to state that he did not mean to say that his noble Friend's object was to obtain in a covert way the rejection of the Bill. What he meant to convey was, that the reference of the Bill to a Select Committee would practically have the effect, because it might lead to the indefinite postponement of it.

On Question, that ("now") stand part of the Motion, their Lordships divided:—Content 35; Not Content 8: Majority 27.

Resolved in the *Affirmative;* House in Committee accordingly.

The MARQUESS of CLANRICARDE objected to the powers of inspection given by the Bill, on the ground that they were not sufficient. He thought the money should only be furnished according as it was necessary to expend it; and that the Commissioners should only allow it to be advanced from time to time.

The EARL of WICKLOW thought the apprehensions of his noble Friend were unfounded. Whatever sum was borrowed, no charge whatever could be created on the land, except by the authority of the Commissioners, they not only being responsible for the work itself, but that a fair charge should be made for it.

Clause *agreed to.* Clauses 2 and 3 *agreed to.*

On Clause 4,

LORD ST. LEONARDS suggested that the wording of the clause should be made more precise. It provided that a man should be entitled to borrow who held a life estate in the land, or possessed it for a term of years. Now this latter expression might mean two or three years, and he would propose that the term should be specified, say, for a term not less than twenty-five years. The clause also related to the power of a reversioner to borrow in the event of the tenant in possession declining to do so. There were cases in which it had been necessary to adopt an exceptional rule for Ireland; but it should be their object, as far as it was possible, to make the law regulating property eventually the same in both countries, and not to do anything to perpetuate that exceptional system. He thought, therefore, that in this measure they should specify the number of years for which it should be in operation, and would suggest a postponement of the further consideration of it, in order that some arrangement to that end might be made.

VISCOUNT CANNING was ready to assent to the proposition of his noble and learned Friend, but was not prepared at that moment to specify any particular number of years. He would postpone the consideration of the clause to a future day, when he would be able to state the number of years the Government proposed the Bill should be in operation, in case it should be passed.

Clause *postponed.*

On Clause 5, providing who shall be deemed owners,

The EARL of GLENGALL observed, that in no other measure was a mortgagee in possession deemed to be the owner of the property, as was provided in this clause.

The EARL of DERBY suggested that the House should either now resume, or that they should go regularly through the clauses of the Bill.

LORD MONTEAGLE pressed on the House the necessity of continuing the discussion, in order that their Lordships might ascertain upon what points of the Bill a difference of opinion existed.

Lord BEAUMONT then moved an Amendment in the clause, to leave out in the 11th line the words "mortgagees in possession or receipt of rents to be considered as owners," the object being to except such from the provisions of the Act.

On the Question, "That the words proposed to be omitted stand part of the Bill," their Lordships divided:—Content 14; Not Content 9: Majority 5.

Lord BEAUMONT then moved an Amendment, to the effect that persons in reversion or remainder might undertake improvements for the purposes of the Act.

Amendment agreed to, and clause, as amended, ordered to stand part of the Bill.

On Clause 5, which enacts, "That any person seised or possessed of any interest under a lease, reserving the rent for two or more lives in being at the time of the application," &c.,

Lord MONTEAGLE proposed an Amendment. At the commencement of the clause, after the words "any person seised or possessed of any land under any lease, reserving rent for two or more lives in being at the time of the application hereinafter mentioned," he proposed to insert the words, "which lives, by the computation of the Commissioners of Public Works, shall be equal to twenty-five years' purchase at least."

The LORD CHANCELLOR asked what means the Commissioners had of obtaining a knowledge of the value of the lives?

Lord MONTEAGLE thought they would have sufficient means of ascertaining for themselves; but the natural course would be to refer to the actuaries.

The LORD CHANCELLOR did not object to the principle, but doubted whether the computation should be left to the Commissioners.

Amendment *withdrawn.*

Upon an objection by Lord Monteagle to the general scope of the clause, on the ground that it would permit breaches of covenants, which had been inserted in leases to prevent the subdivision of land,

The Duke of NEWCASTLE stated, that all the details of this measure were identical with the provisions of the Act of 1847, and the only difference was that it authorised the borrowing money of private parties instead of out of the public purse. He deprecated any minor alterations of the Bill. The course should be either to reject the Bill altogether, or to make such alterations only as the difference in the mode of borrowing the money suggested a difference in legislation.

Lord MONTEAGLE moved an Amendment, to the effect that the Commissioners of Public Works should not be empowered to authorise the execution of works, in certain cases, without the consent of the landlord.

Viscount CANNING opposed the Amendment, on the ground that it was unnecessary. The Commissioners of Public Works had not hitherto authorised the execution of works without the consent of the landlord, and it was not probable that they would depart from the rule.

On Question, their Lordships divided:—Content 7; Not Content 13: Majority 6.

Clause *agreed to.*

Clauses up to 24 *agreed to.*

On Clause 25, giving power to the Commissioners to sanction the alterations of plans in cases were they shall think fit, and to authorise an increased expenditure of one-fifth of the original estimate,

The Earl of DONOUGHMORE proposed the omission of the words "of one-fifth," and the insertion in lieu of them of the words of "one-tenth."

On Question, their Lordships divided:—Content 10; Not Content 13: Majority 3.

Remaining Clauses *agreed to.*

House resumed.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 9, 1853.

Minutes.] Public Bills. — 1° Expenses of Elections.
3° Sales of Bullion.

HUTCHINSON'S CLAIM BILL.

Order for Second Reading read.

Mr. OLIVEIRA, in moving the Second Reading of this Bill, stated that this was a claim amounting to something like 48,000*l.*, which originated in a debt alleged to have been due from the late Rajah of Travancore to Mr. Hutchinson, who had been a resident at his Court. Both Mr. Hutchinson and the Rajah were dead, and the East India Company having succeeded to the property of the Rajah, they were looked to for the payment of the debt by the representatives of Mr. Hutchinson.

The Government of Travancore so far admitted the justice of the claim, that after the Rajah's death, they paid a portion of what was due. In 1808, the East India Company sent out instructions that the claim should not be satisfied till Mr Hutchinson established its justice. A Committee of the House of Commons, however, was appointed to investigate the claim in 1831, and their Report was in favour of Mr. Hutchinson's claim. The House of Commons, however, rejected the second reading of the Bill that had been brought in, and nothing was done in the matter till the present time. The reason that the claim was not followed up, was, that litigation on the matter had been going on between the representatives of Mr. Hutchinson. That litigation was now at an end, and he therefore brought the matter before the House of Commons, as the only tribunal that was capable of doing justice in the case. He hoped the House would allow the Bill to go before a Select Committee.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. LOWE said, he must oppose the Bill, on the ground that the claimants had no title whatever to compensation. The late Mr. Hutchinson, while in his capacity of Agent for the East India Company at the Court of the Rajah of Travancore, had thought proper to mix himself up with the Rajah in transactions of a very questionable nature—questionable enough in their ostensible character of a trade in pepper, Mr. Hutchinson favouring the monopoly in that article established by the Rajah, to the detriment of the East India Company—and still more questionable in relation to various loans for which these transactions in reality served as a cover. Colonel Munro, the Resident, had investigated the nature of all debts said to be due from the Rajah of Travancore to the different claimants, and he understood that the representatives of Mr. Hutchinson had not ventured to appear before that well-informed gentleman. In 1831, a Committee of that House was appointed to investigate the claim under notice, the renewal of the Charter then about to expire being thought, he supposed, a convenient opportunity for such an investigation. The Committee consisted of twenty-one Members, of whom six only, in addition to the Chairman, thought it worth their while to vote upon the Report; and the result of that inquiry was, that three voted against the claim, and three and the Chairman for it. Subsequently, in 1832, a Bill was introduced, and upon that occasion the right hon. Member for Edinburgh (Mr. Macaulay), the then Secretary of the Board of Control; Mr. R. Grant, the President of the Board; and the hon. Member for Evesham (Sir H. Willoughby), took part in the debate. Upon a division the Bill was thrown out by a majority of 38 to 6. Since that period the claim had been allowed to sleep. It was not a claim founded upon justice; and he objected that the House should be called upon, after a lapse of twenty-one years, to do that now which they had declined to do then.

Mr. BRIGHT said, he did not exactly see how it could be brought as a charge against the Rajah that he had engaged in a kind of pepper monopoly, because that was a course which had been followed to a considerable extent by the Company in the matter of opium. He had risen merely to observe that this was a question, like many others, between private individuals and the East India Company, and that there was no proper tribunal for its adjudication. The late Sir Robert Peel, in 1833, admitted that it was a great grievance that no such tribunal existed, and recommended that they should be provided. Without regard to the particular claim before the House, he should vote for the second reading of the Bill.

Mr. COLLIER said, he thought the House could do nothing less than send the Bill before a Committee; he would also state, by way of answer to the argument from lapse of time raised by the hon. Member for Kidderminster (Mr. Lowe), that the affairs of the family, including the subject of this Bill, had been all that time in Chancery.

Sir CHARLES WOOD said, that his hon. Friend the Member for Kidderminster (Mr. Lowe) having omitted to move that the Bill be read a second time that day six months, he had risen to supply the deficiency. Upon what ground they were now asked to tax the people of England to pay this debt, he was at a loss to understand. He did not believe that the ex-Rajah had been fairly indebted to Mr. Hutchinson at all; and the East India Company had merely advised him not to pay unless he were satisfied that it was a just debt. Upon the evidence in the case, there was the strongest possible reason for supposing that it was a fraudulent and collusive claim altogether. That was clear enough to every one who had read the evidence; and he now moved, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

MR. HUME said, he must also complain that there was no tribunal by which these matters could be investigated, without going before Parliament. As he was always favourable to inquiry, he should support the Motion.

SIR JAMES HOGG said, that the hon. Member for Manchester (Mr. Bright) and the hon. Member for Montrose (Mr. Hume) had both declared they knew nothing about this matter, and yet they were going to support the second reading of the Bill. That there was some equitable ground for this claim was the truth, but it was not the whole truth. Hon. Gentlemen wanted inquiry; but there had been an inquiry already before the House, and the House rejected the claim. That claim was brought forward in 1831, when the renewal of the Indian Charter was under discussion, and nothing had been heard of it ever since till the charter was about to expire, when all kinds of birds of prey were hovering over the carcase of the East India Company. The Report of the Committee had been carried by the casting vote of the Chairman only, and yet with that Report there were only six Members of the House of Commons who supported the second reading of the Bill in 1832. He held in his hand a report of Mr. Hutchinson to the Government, stating that the Rajah was fraudulently cheating the Government, by not giving up the pepper; whereas at that very time he was preventing him from doing so. The items contained in the account against this unfortunate ex-Rajah were of the most absurd and preposterous description, such as a lac of rupees, or 10,000*l.* upon some supposed profits of a sale, 79,000 rupees upon expected profits of a transaction, if it should ever occur, and so on. He wondered that the hon. Member for Pontefract (Mr. Oliveira) had allowed himself to bring forward such a case. He (Sir J. W. Hogg) could only account for it by supposing that he knew nothing about it.

MR. T. DUNCOMBE said, he was one of the Members of the Committee which sat upon this case in 1831, and who had concurred in the Report of that Committee that the claim was a just one. He still believed the claim to be a just one, and was therefore surprised to have heard the right hon. Gentleman the President of the Board of Control (Sir C. Wood) denounce the claim as fraudulent and collusive, notwithstanding that a Committee of that House had reported in its favour. He really began to suspect that there was more in the claim than he had originally supposed, when he saw the East India Company so very energetically opposed to it.

MR. MARSHALL said, he had also been one of the Members of the Committee of 1831, and his impression of the case, from the evidence then submitted to him, was, that the accounts produced by the petitioner were on the face of them so monstrous that he wondered any person could have brought them before that or any other tribunal. He hoped, therefore, the House would pause before they allowed another Committee to sit upon them.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 48; Noes 186: Majority 38.

Words *added;* Main Question, as amended, put, and *agreed to.* Bill *put off* for six months.

NEW WRIT FOR HARWICH.

SIR JOHN TYRELL said, he would beg to move that a new writ be issued for the election of a Member for the borough of Harwich, in the room of Mr. G. M. W. Peacocke.

Motion made, and Question proposed—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown, to make out a New Writ for the electing of a Burgess to serve in this present Parliament for the Borough of Harwich, in the room of George Montagu Warren Peacocke, esquire, whose election has been determined to be void."

SIR DE LACY EVANS said, he had understood that there was an order of the House which provided that no Motion should be made for the issue of a New Writ without seven days' notice, and he hoped the hon. Baronet would consent to postpone his Motion. He (Sir De L. Evans) intended to move an Address to the Crown for the appointment of a Commission to inquire into the corrupt practices which were alleged to have taken place in the borough of Harwich.

SIR GEORGE GREY said, he thought

it was desirable to ascertain whether the case of Harwich came within the Order of the House. That Order provided, he believed, that when a Member or Members had been unseated for bribery, seven days' notice should be given previously to the Motion for a New Writ. He would therefore move that the Order of the House and the Report of the Committee be read by the Clerk.

[The Clerk at the table then read the Order of the House, which provided that when the seat of any Member had been declared void on the ground of bribery and corruption, no Motion for the issue of a New Writ should be made without seven days' previous notice being given. The Clerk also read the Report of the Harwich Election Committee, who reported that it was not proved to their satisfaction that the acts of bribery which they specified were committed by the Members or their legal agents.]

Mr. HEADLAM said, that in this case Mr. Peacocke had been unseated under a special statute, which enacted that any candidate entering into a contract with any person whatever for the purpose of procuring the influence or interest at an election of the person with whom such contract was made, should be incapacitated from holding a seat, and should be subject to legal penalties. He believed that the word "bribery" did not occur in the Statute to which he referred, and a question might arise as to whether the offence reported upon by the Harwich Committee came within the legal limits of the word "bribery." He had had no intention himself of opposing the issue of a writ for Harwich, but he thought it was a question whether it might not be better that the Motion of the hon. Baronet (Sir J. Tyrell) should be postponed, that the House might have an opportunity of considering the subject. He might add that it was his intention to move that the evidence taken before the Committee be laid upon the table.

Sir J. TYRELL said, that the law of elections was so obscure and uncertain, that the House was nightly in a state of disorder. The Chairman of the Harwich Election Committee had not laid down the law, though the hon. Gentleman was one of that class who entered the House without any particular or obvious motives. The fact was, that all sorts of suggestions were made, and every possible kind of suspicion excited; they went beating about

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the bush in quest of what they could not find. It was curious that no county was under any suspicion as to its election except Middlesex, and that even the City of London itself was not quite free from doubt.

Sir FITZROY KELLY said, the hon. and learned Gentleman opposite (Mr. Headlam) was mistaken in supposing that bribery was not mentioned in the Statute to which he had referred. He (Sir F. Kelly) had no objection to delaying the issue of the writ until the whole of the evidence was printed. Mr. Peacocke desired nothing so much as that the whole of the evidence relating to the last election should be printed.

Lord JOHN RUSSELL said, it did not appear to him that the Resolution of the House read by the Clerk at the table had, strictly speaking, anything to do with the present case. As the Report of the Harwich Election Committee was a very unusual one, it was in his opinion desirable that the writ should not issue until the evidence was printed.

Mr. T. DUNCOMBE said, he thought the difficulty in which the House was placed on these questions, arose mainly from the fact, that the Election Committees did not comply with the provisions of the Controverted Elections Act, which required them to report their opinion as to whether new writs should be issued. Not more than one or two Election Committees had, he believed, reported upon that point, but if the Committees did report whether they considered writs should be issued or not, the House would be relieved from considerable difficulty. With regard to this old offender, Harwich, he was little disposed to allow the borough ever to have another writ. He thought the Motion the hon. and gallant Member for Westminster (Sir D. L. Evans) had intimated his intention of bringing forward for the appointment of a Commission to inquire into the occurrences which had taken place in Harwich, was alone a sufficient reason for suspending the writ. It was evident that at the present moment Harwich was a complete nomination borough, with regard to one seat if not both, in the hands of Mr. Attwood, and he thought the writ ought therefore not to be issued.

Mr. AGLIONBY said, he believed his hon. Friend the Member for Finsbury was totally mistaken in his interpretation of the Act to which he had referred. He (Mr. Aglionby) believed there was no clause in the Statute to which that hon. Gentleman had referred, obliging the Committee to report whether a writ ought to issue or not. He thought the case of Harwich did not fall within the rule of the House as to the notice to be given before moving for a writ; but as it was a case as bad, if not worse, than others which had been brought before the House, he hoped they would not come to any decision as to the issue of a writ before the evidence was printed. He begged to move that the debate be now adjourned.

MR. DISRAELI said, he thought that they would be led into very great embarrassment in those cases if they were not guided as much as possible by general rules. He thought it would be rash upon their parts to decide that the writ should not be issued for another fortnight; and he should, therefore, propose that the debate should be adjourned till Friday next.

MR. GOULBURN said, he would suggest to the hon. Member for North Essex (Sir J. Tyrell) that it would be better that the Motion should be withdrawn for the present, and that they should take no step in the matter until the evidence should have been printed.

MR. T. DUNCOMBE said, he wished to state, in reply to his hon. Friend the Member for Cockermouth (Mr. Aglionby), that he believed he had correctly interpreted the clause in the Act to which he had referred. It was the eighth clause, and it provided that the majority of voices in a Committee should decide, not only whether a sitting Member had been duly elected, or whether an election had been void, but also whether a new writ ought to be issued.

SIR JOHN PAKINGTON said, he thought that none of the reasons which usually induced that House to suspend writs applied to this case. It had been admitted that this was a case which did not come within the regulation relating to the seven days' notice. It was not a case of bribery; but the Member had been unseated because he had transgressed a particular Statute by entering into a certain agreement with Mr. Attwood.

SIR GEORGE GREY said, he thought that when a Committee reported that a corrupt contract had been made between a sitting Member, when a candidate, and another person, the result of which was that sixty or seventy votes were transferred to the candidate, there could be no doubt whatever that, although this might not be legal bribery, it was a corrupt practice of the worst description. The object of the notice was to enable the House to determine whether inquiry should be made before a writ was issued, and he thought there was very strong reason for such inquiry in this case.

SIR JOHN TYRELL said, he thought the House knew quite enough of the case to divide now as well as on Friday next, or that day fortnight, or any other day. There would be no advantage that he could see resulting from postponement. He did not believe the vote of a single Member would be influenced by the printed evidence, whatever it was. The rules of the House would not be infringed upon by the issue of the writ. If those rules were inefficient, or childish, or foolish, let them be abolished. They were threatened with a new Reform Bill, which was to sweep all the Tories into the dust, and a Bill of indictment was in course of preparation for the present House of Commons. But, whilst they lasted, let them at least observe their own rules, and not deprive a constituency of its privileges upon light grounds.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided*:—Ayes 177; Noes 116: Majority 61.

Motion made, and Question proposed, "That the Debate be adjourned till this day fortnight."

Amendment proposed, to leave out the words "this day fortnight," in order to insert the words "Friday next," instead thereof.

Question proposed, "That the words 'this day fortnight' stand part of the Question."

Amendment, by leave, *withdrawn.*

Debate *adjourned* till *this day fortnight.*

THE GOVERNMENT AND THE IRISH MEMBERS.

On the Motion for going into Committee of Ways and Means,

MR. E. BALL said, he wished, before the Speaker left the chair, to repeat the question which he took the liberty on Friday night last of putting to the Government generally. He was not successful on that occasion in obtaining an answer; though the question was of so much importance, and involved the respectability of so many Gentlemen opposite, that he thought they would esteem it a kindness and favour on his part to give them an opportunity of putting themselves right with the House and the public. The hon. Member for Westmeath (Captain Magan) stated in that House that an accredited agent of the Whig and Peelite Ministers had waited upon the Irish Members, and declared that he was authorised, on the part of the Whig and Peelite Government—no, not Government, but—parties, to say that if they, the Irish Members, would assist them in turning out the Government of Lord Derby, they would not, when they were reinstated in power, impose the income tax on Ireland. This seemed a transaction so iniquitous in its nature, so directly opposed to the principles of the British constitution, and so contrary to the principle which that House seemed now to have unanimously adopted, that when anything in the shape of corruption came before it, it should be immediately exposed and put an end to. They had adopted the rule that whenever a Member was petitioned against, even though he should be only found guilty of having expended a few shillings for the necessary expenses of one of his constituents, that Member should be unseated. An hon. Member of that House had been found guilty of having given to a voter twelve shillings a week, for which there was ample work to be done, and it had been decided that he should be turned out of the House. Another case had occurred, that of the late Member for Bridgenorth, in which out of twenty-two charges that were brought, twenty-one had been satisfactorily answered, but the twenty-second charge had been so far proved that it had been shown that the agent of the Member, without having obtained his consent, had paid a bill which had been long due, and that before the Gentlemen he alluded to had been announced as a candidate for Bridgenorth, and upon this ground alone he had been deprived of his seat. The country expected that that House would adopt a pure system of election; it expected that they would really and honestly endeavour to insure integrity for the future on the part of the electors; and he (Mr. Ball) thought that electors were justified in asking, if such extreme integrity was to be required from them, that Members when elected would themselves be upright, and would avoid anything having the appearance of bribery, whether it came in the shape of influence or in any other shape. It did seem to him that this was one of those especially wicked and gross cases at which hon. Gentleman opposite would have revolted—that they would have risen immediately to repudiate it, and that they would have been glad of the first opportunity of shaking off such an accusation before it should have been propagated by the press throughout the whole kingdom. But as the press had now taken the matter up, and as it had reiterated the statement which had been made in that House, it appeared to him (Mr. Ball) that the earliest opportunity ought to be afforded to the Government of repudiating or explaining the charge; and, therefore, he would now take the liberty most respectfully of asking the hon. Member for Westmeath (Captain Magan) if he (Mr. Ball) had correctly understood the hon. Member on Friday night, and if he would be so good as to repeat whether an overture had been made, and a promise given, to the Irish party of remitting a certain portion of the taxation of this country on the condition that the Whigs should be brought into power, this being the price to be paid by the Whigs in return for the loaves and fishes of office; and whether, after making such a contract, which appeared so unconstitutional, they had not only been guilty of offering a bribe, but had also refused to pay when once they had attained the object which they sought for? He hoped that hon. Gentlemen opposite would be grateful to him (Mr. Ball) for this opportunity of repudiating the charge, and that it would not be said that he had not given the usual and ordinary notice of the question he had put. He did not wish to take an unfair advantage of any one, and it would be remembered that he had brought forward the matter at the earliest possible moment on Friday night. He had given notice of his present question to the Clerk at the table, but it had been returned to him as informal, and, consequently, it did not appear on the paper; but he hoped that the hon. Member would not object to answer it on that account. He trusted that he should receive the support and assistance of those hon. Members who were so anxious for the purity of elections, and were so desirous of laying hold on anything in the shape of corruption; and, that, instead of their being angry at the question which he had put, they would gladly respond to him, and come forward and say that his question had been a very proper one, and required an immediate answer.

Captain MAGAN: I believe, Sir, the hon. Gentleman has no strict right to put this question to me at all. According to the rule of the House, the question should be put by the order of the House through the Speaker. I have to complain that I have not been fairly treated by the hon. Member. If the hon. Member will consider for one moment the nature of the question —a question which involves such grave considerations as he himself attributes to it —he will, I think, admit that I ought to have had proper notice of it, and that it ought to have been placed fairly and openly on the paper. However the hon. Member may account by precedent for neglecting to do so, I cannot but say I am sorry he should have followed such an example. I shall be happy to answer his question if put regularly on the paper, so that neither I nor others may be placed in an unfair position. At the same time, I give him fair notice that he has completely misstated everything that was said by me on Friday night.

MR. E. BALL was sorry if he had been guilty of any discourtesy towards the hon. Member. He had asked an hon. Member if he ought not to give notice of his intention of asking the question, and he had been told in reply that the hon. Gentleman (Captain Magan) was already aware that the question would be asked.

LORD JOHN RUSSELL: After what the hon. Gentleman (Mr. Ball) has stated, and in consequence of the impression which appears to be on his mind, I think it right to say a few words. The hon. Gentleman seems to think that some person was authorised by the Whig party, before the late Government left power, to make some sort of contract with the Irish Members, to the effect that they would not be parties to the imposition of an income tax on Ireland if those Members would vote against the late Government. That, I think, is the statement of the hon. Gentleman. I have only to say, that, according to my knowledge and belief, there was no person so authorised, and there never was any such proposition made to the Irish party.

LORD ADOLPHUS VANE begged to remind the House that the hon. Member for Westmeath had distinctly stated that a party of Irish Members had been waited upon by an accredited emissary of the present Government, who had offered certain terms to them on condition that they would join the Whig party in turning out Lord Derby's Government. As this statement had been openly made, and as it had been reported in and commented upon by all the public prints, he (Lord A. Vane) would venture to submit to the House whether in justice to the hon. Member for Westmeath, and in justice to the present Government, the hon. Member should not be asked to state the grounds upon which he had founded his assertion, and also inform the House who was the accredited agent to whom he referred. Some elucidation of these points would surely be satisfactory to the House and to the country at large.

CAPTAIN MAGAN: I did not mean to offend the hon. Gentleman by anything which has fallen from me in reply to his observations. With reference to what he has said as to notice having been given to me of an intention to ask a question of me to-night, I have only to observe that I did hear a rumour that there was such an intention; but I also heard a very distinct rumour that the question would be openly placed upon the paper. It has not been so placed, and I am now called upon to name a man; but as the notice has not been put on the paper, I might have to name some one who may be absent. If you could have found me stupid enough to strike a man behind his back—[*Interruption*]—I can only say (continued the hon. and gallant Member for Westmeath) that I am quite ready to answer the question if it be fairly put.

LORD ADOLPHUS VANE: Will the hon. Member name the accredited agent to whom he has referred; and if he has no objection, will he state the grounds on which his assertion was founded?

COLONEL DUNNE thought such a scene as this was not very creditable to the House of Commons. As an Irish Member, he must say that he had felt deeply the observations which had been made in the newspapers on the conduct of the Irish representatives; and he confessed that he thought if the Irish Members had made such a bargain, as it was said they had made, it was not in any way dishonourable to them. For his own part he would say, that if he had been asked to support a Government, he certainly should have required a statement of terms; and therefore, if he had been a party to such an agreement, he would not shrink from avowing the fact. But it was well known in that House, and all over town, that a certain Member of the present Government was usually employed in matters of this kind, and, therefore, he thought it would be much better if, instead of shuffling off the question, that hon. Gentleman would rise and state what he knew about it. He (Colonel Dunne) had no knowledge of the matter himself; but he did not think that Irish

Members had any reason to be ashamed of themselves, even if they had entered into such an agreement. But it was, at all events, desirable that a scene of this kind should not be prolonged, especially when it could be put an end to at once by a straightforward statement by those who were acquainted with the facts.

Mr. MALINS had understood the hon. Member for Westmeath to state, that a party of the Irish Members had been waited upon by an accredited agent of the Whig and Peelite parties, and that he had made this proposal to them, "Do you vote for turning out Lord Derby, and we will protect you against the income tax being extended to Ireland." Now, that was either an accurate or it was an inaccurate statement. If it was an inaccurate statement, it was a duty the hon. Member for Westmeath owed to the House to state his reasons for making it. But if the statement was accurate, it was certainly a grave imputation upon the great party which was now in power. At a time when they were hearing so much about purity of elections, and when they had so many discussions as to whether writs should issue for places where bribery had been carried on, he would ask whether it was decent that an hon. Member should rise in that House and make so grave a charge against the party who now held the Government of the country in their hands, and that that imputation should be allowed to pass altogether unnoticed? Everybody knew who was meant by the term "accredited agent;" and surely a charge of this kind ought to receive from that agent, or from those agents, an instant denial or explanation.

Lord JOHN RUSSELL said, that in answer to the hon. Member for Cambridgeshire (Mr. E. Ball) he had stated that, to the best of his knowledge and belief, no person had been accredited by the Whig party to make such a proposal as that which had been referred to. He would now ask the hon. Gentleman who had just sat down whether he believed his word, or whether he did not believe it? Did the hon. Member mean to say, after the statement which he (Lord J. Russell) had made, that the Whig party had entered into such an agreement? If he did not, let the hon. Gentleman say what he did mean.

Mr. MALINS said, that any statement of the noble Lord would certainly be believed by him. The noble Lord had said that he had not authorised any agent to make the agreement, and his word he implicitly credited. But he begged to impress upon the House that that was not the question. The question was not whether the noble Lord had authorised such an offer to be made, but whether those "accredited agents" had or had not in point of fact made the offer.

Mr. G. H. MOORE would go to the point of the matter forthwith. He himself knew nothing about this transaction; but as he and every one else was well aware who was the "accredited agent" alluded to, he thought he might as well ask the hon. Member for Wells (Mr. Hayter) whether he could give the House any information on this subject?

Mr. HAYTER: I am extremely obliged to the hon. Gentleman for bringing this question to an issue. I certainly have some reason to complain of the hon. Member for Cambridgeshire. I saw him as I entered the House. I asked him if he was going to put any question on this matter. He told me that he had submitted a notice, that there was an informality, and therefore he was unable to ask the question in the form and the terms in which he originally designed to ask it. I begged him then to put the question in a formal manner, so that I might be enabled to give a plain answer to a plain question; and if the hon. Gentleman had had the courtesy to comply with that request, much of that which has painfully passed in this House, would have been altogether spared. The hon. Gentleman, when I was not present, took occasion to refer to that matter, although I had informed the hon. Member of my wish to be present, and I trust the House will not for a moment believe that I in the slightest degree shrink from giving a positive answer. The hon. Member for the county of Wicklow also came this evening and said he was about to ask me the same question; I told him I should be obliged to him if he would defer it till to-morrow, because then I should know what the distinct charge was, which up to this moment I don't know. I told him also that I was desirous of communicating with another hon. Member, before giving an answer to a charge apparently involving some question relating to him. No arrangement seems to have been made between those two hon. Gentlemen. I never yet have had a positive, distinct question put to me. But I now understand the hon. Member for Cambridgeshire to say that some person, alleging himself to be an agent of the party now called the Whig party, some time during the discussion of the financial statement of the late Chancellor of the Exchequer took on himself to attend a body of Irish gentlemen, and state that he was authorised to make this proposal—namely, that if they gave their votes for the purpose of overthrowing the late Government, the Government likely to be founded on its ruins should undertake not to impose an income tax on Ireland. That I believe is the question to which the hon. Member wishes for a reply. I never was authorised by any person or any body of persons to make any such communication to any person or any party. I never did attend any meeting of any kind in my life of the Irish Members. I never stated to any person, at any time, that I was authorised in any manner to state, that in the event of the Government of Lord Derby being overthrown, the Government to be substituted in its place would undertake not to impose an income tax on Ireland. If the hon Gentleman had put the question plainly before me, as he ought to have done, I should have given him an answer before.

Mr. E. BALL: I beg to say that I did put the question fully and fairly on Friday night last, and I do not understand the right hon. Gentleman's saying I never did put it. In the next place, I beg to say that if the right hon. Gentleman thought he was the person on whom the imputation rested, he ought to have been too eager to deny it to require notice of the question.

Captain MAGAN: The mistake which has been made is in taking it for granted that I meant the right hon. Gentleman opposite. The words I used were these—(I spoke in the plural number, and the right hon. Gentleman is not in the plural number)—I said certain persons, accredited agents, and using the word "accredited," made this communication. They were three private Irish Members. ["Name!"] I will not name them till a notice is put on the paper, so that they may be in the House to hear me. I believe some of them are not now in the House.

Sir JOHN SHELLEY had hoped, after what had already occurred, these bickerings among hon. Gentlemen would have ceased. As regarded the hon. Member for Cambridgeshire he was not surprised at the sensitiveness that hon. Gentleman had shown, for nothing could be so odious and detestable to him as promises not fulfilled. The hon. Member must feel that, for when they looked back to the way in which the Whig Government had been displaced by Lord Derby's promising his party from one and to the other, that they should have protection back again, he was not surprised at the sensitiveness of the hon. Member for Cambridgeshire.

Mr. G. H. MOORE wished to explain that in putting the question he had to the right hon. Gentleman the Member for Wells (Mr. Hayter) he did not wish to point him out as the person indicated, but he had heard everywhere that he was so indicated, and he thought it fair and right to terminate a matter which must have been exceedingly annoying to the right hon. Gentleman. That was his sole reason for putting the question.

Mr. KNOX had understood that three Irish Members had waited upon the Irish Members from the right hon. Gentleman (Mr. Hayter) by way of deputation, and stated that they were authorised by him to make the statement which had been made by the hon. Member for Cambridgeshire.

Mr. HAYTER: I wish the hon. Gentleman who introduced this subject had mentioned what has now just been stated by the hon. Member for Marlow, that I might have answered it. I will answer it now, and say that no such circumstance ever occurred.

Mr. STUART WORTLEY: I think the House ought to feel much obliged to the right hon. Gentleman for the explanation he has given, and I do trust we have now done with this unworthy matter. I think every Gentleman who has a regard for the character of this House can entertain but one opinion as to this story, which, as it turns out, is utterly unfounded. I hope the question will now be put an end to.

DISFRANCHISEMENT OF PERSONS EMPLOYED IN DOCKYARDS.

Sir FRANCIS BARING said, he wished to put a question to his noble Friend (Lord J. Russell) with reference to a Bill of which he had given notice to move for leave to bring in, to disable persons employed in Her Majesty's Dockyards, and other civil establishments of the Admiralty and Ordnance, from voting at elections for Members of Parliament for certain boroughs. A Committee was now sitting and inquiring into the question of patronage in the dockyards; and although officially they knew nothing of the evidence, yet he had reason to know that the question to which the Bill was devoted was the subject of examination by the Committee. He thought it would be impossible to discuss the Bill without the evidence taken by the Committee, and if he were to refer to newspaper reports of it, Mr. Speaker would call him to order. As the Bill could not be discussed without referring to that evidence, he thought it only fair that no steps should be taken to disfranchise persons in dockyards until it was printed. Being of that opinion, he should feel it his duty to move that the debate on the Bill be adjourned, or that it be postponed till the evidence in question was before the House; especially as they could not discuss the case of persons employed in dockyards without entering on the case of other persons.

Lord JOHN RUSSELL said, that in the first place the Bill he proposed to bring in was not at all founded on the inquiry now going on before the Committee to which his right hon. Friend had alluded, but on the Report of the Committee which sat on the election for the borough of Chatham. When that Report was brought before the House, there was some question made as to the issuing of the writ, and it was asked if it was not issued what remedy was to be adopted. Any objection that was now made that had the effect of postponing the Bill, would postpone the issuing of the writs for boroughs affected by the Bill. The Bill, in question applied to Chatham, Rochester, Sandwich, Portsmouth, Plymouth, Harwich, and Pembroke; and if a writ was moved for any of these places, it must be suspended till the Bill was passed. But as some of the questions which were now before the Dockyard Committee must come before the House, he would postpone the introduction of the Bill until Friday se'nnight, but not for any longer time.

THE BUDGET—WAYS AND MEANS—THE INCOME TAX.

The House then went into Committee of Ways and Means; Mr. Bouverie in the Chair.

The Resolution of the Chancellor of the Exchequer, relative to the imposition of the Income Tax upon England and Ireland, having been put,

Mr. ROBERT PALMER rose to move the Amendment of which he had given notice. He said, that after the discussions that had taken place during the last week, it would be unpardonable in him to attempt to raise a new discussion on the subject of the income tax. He could assure the right hon. Gentleman (the Chancellor of the Exchequer) that he should confine himself distinctly to the proposition which he had submitted to the Committee. They were now called upon to give the Chancellor of the Exchequer a new lease of the income tax, and for a period considerably longer than had ever been proposed before since its introduction in 1842. He, therefore, thought that the present was the proper time for those who considered that the tax was neither fairly nor justly assessed, to endeavour to remedy its inequalities and defects. They were told that the tax was not to be a permanent one, but was to continue only for a period of seven years. With regard to the probable duration of the income tax, he entertained considerable doubts of Parliament being able, in 1860, to terminate it, and thought that he must be a bold man who ventured to prophecy that the finances of the country would be in a position, seven years hence, to enable them to surrender so large a source of the public revenue. Many hon. Members were of opinion that the position of the finances of the country in 1860 would be such that we should find ourselves unable to part with it. The hon. Member for Malton (Mr. J. E. Denison) appeared to have regarded the future financial prospects with a glass of great magnifying powers; but, although the hon. Gentleman had appeared to satisfy himself of the prospect of its actual repeal, he (Mr. Palmer) was inclined to doubt the accuracy of his vision in that respect. The hon. Member for the West Riding (Mr. Cobden), on the contrary, had strenuously supported it because he was satisfied it would be permanent, and that it ought to be permanent. Under these circumstances, it was highly desirable that the tax should now be placed upon the fairest possible footing for all classes who were to be subject to it. Now, there was one class of the community for whom very little relief appeared to be afforded in the financial scheme of the Government. He alluded to the class which was assessed under Schedule A. It was to that class his Amendment applied, and the proposition he had to make was, that after the words "for every 20*s*. of the annual value or amount thereof," insert "such annual value of any lands, tenements, or hereditaments, being the net annual value thereof, after due allowance made for repairs, insurance, and management." These words applied to the class of persons assessed under Schedule A. He did not think he was precluded by the form of the Resolution before the Committee, from doing what he believed to be an act of justice to that class, notwithstanding the large majority by which the right hon. Gentleman's Resolution was carried. If he thought so, he could assure him that he would not have put it upon the paper. He would not waste the time of the Committee by entering into any argument to prove that the nominal annual value of any estate, whether it consisted of land or houses, was no just criterion of the actual amount of income which the proprietor of it received. Every one would admit, that a very considerable deduction must be made from the gross yearly income before you could get at the actual value of the estate to the owner. Now, his proposal was, that, in order to arrive at a fair estimate of the class in question, a deduction must be made from the gross rental of the property for certain charges which necessarily attached to it, such as repairs, insurance, and management. And in this position he was fortified by the language used by the Chancellor of the Exchequer himself, in introducing his Budget. The right hon. Gentleman had shown that the trades and professions assessed under Schedule D had no reason to complain; and having enumerated the several charges attaching to real property, and particularly the cost of repairs, insurance, and management, gave it as his opinion that it would not be a high but rather a low estimate to take those charges as amounting to no less than 16 per cent. This was stated by the right hon. Gentleman in his able argument against making any difference between the rates of the various schedules. Therefore he (Mr. Palmer) contended that the owners of land and houses were entitled to a deduction in their assessment, under the head of repairs, insurance, law charges, and management, equally with the merchant who was assessed under Schedule D, and that also an allowance ought to be made for arrears and abatements of rent. The Chancellor of the Exchequer had, in fact, shown that real property was now actually paying 9*d.* in the pound, although it was professedly charged by Act of Parliament, only 7*d.* The right hon. Gentleman had, therefore, gone far to prove his (Mr. Palmer's) case. He had opened the eyes of those who were assessed under Schedule A to the real position in which they stood. They had been living, probably, in happy ignorance of the fact that whilst the Act of Parliament fixed the maximum rate at which they should be taxed at 7*d.* in the pound, 9*d.* was actually exacted from them; but the right hon. Gentleman had certainly rather let them into the secret of the true state of affairs, and, therefore, he would not be surprised if independent Members asked that the owners of landed and house property should be placed in a fair position as compared with the other classes who contributed to this tax. The tradesman who paid under Schedule D was allowed to deduct for the repairs made on the premises used by him for the purposes of his trade, an average of three years being taken in his case. Now he (Mr. Palmer) would be quite satisfied if the right hon. Gentleman would make such a reduction from the gross rental of a farm as would be equal to the annual cost of repairs on premises used for purposes of trade, the calculation being made from an average of three years; and that, he thought, was only a fair and moderate demand. He contended that the owner of a farm stood in the same position, with respect to repairs of premises, as the owner of a shop; and, most undoubtedly, the man who occupied a farm that was his own property stood in precisely the same position as the owner of a shop, because, without frequent and extensive repairs, it was impossible for either of them to carry on his business. The tradesman had also this other advantage over the occupier of a farm, that he could go before the Income Tax Commissioners and put in a claim for bad debts. A certain percentage ought, for these reasons, to be allowed to be deducted from the gross rental of real property. Now he was quite certain that there was no man in that House more capable of carrying out the proposition he was now submitting than the right hon. Gentleman (the Chancellor of the Exchequer), if he was only once convinced of its justice and fairness. He (Mr. Palmer) did not ask for so large a deduction as the right hon. Gentleman's own estimate of the charges to which real property was liable—namely, 16 per cent; but the owner ought to be allowed to go before the Commissioners and make a claim to the same abatement as the tradesman was enabled to do in respect of each of the three heads embraced in his Amendment. He would endeavour to show that this proposition was not altogether without a precedent. In former times it was the practice in different parishes to take from three-fourths to two-thirds of the gross rental as the basis for the poor-rate assessment. That was found inconvenient, and an Act, called the Parochial Assessment Act, was passed, requiring the poor-rate assessment to be based upon "the net annual value," that term being defined to mean the rent at which the property might reasonably let, deducting therefrom (as he now proposed to do in the case of the income tax), the cost of repairs, insurance, and other expenses necessary to maintain it in a state to command a rent. The manner in which this Act had been carried out was this:—Two values were estimated, the gross value and the rateable value; and on the latter value the rate was made. Now this was the principle upon which he proposed to assess real property to the income tax. He did not put this plan forward so much for the relief of the larger proprietors of property, although he saw no reason why they should not be fairly dealt with; but he proposed it chiefly for the benefit of the smaller owners of land, and of house property. There were hundreds of small owners of land who lived on their own property, and farmed it themselves, and whose incomes amounted to 200*l.* or 300*l.* a year; and it was a matter of great importance to that class that they should not be charged on the gross amount, but should receive the benefit of the same deductions as the tradesman and shopkeeper; and the same remark equally applied to that class of persons who had invested their savings in house property, and were in the receipt of incomes of one, two, or more hundreds a year. He was told that it was not an uncommon thing for at least one-third of the rental of such houses to be swallowed up in repairs, bad debts, and other charges. [The CHANCELLOR of the EXCHEQUER said, that abatements were at present allowed where tenants absconded, leaving their rent unpaid.] If he (Mr. Palmer) recollected right, the noble Lord the Member for the City of London (Lord J. Russell), before the close of the debate the other evening, said, that this proposition was at variance with the proposal of the late Chancellor of the Exchequer (Mr. Disraeli); and, therefore, that he was surprised it should be supported on that (the Opposition) side of the House. Whether there was that variance between the propositions in question which the noble Lord had alleged, he would leave his right hon. Friend (Mr. Disraeli) to settle with the noble Lord; but this the noble Lord at least ought to remember, that the Budget of his (Mr. Palmer's) right hon. Friend contained no such proposition as the imposition of a legacy duty upon real property, which was, strange to say, put forward as a compensation to the trades and professions for the injustice done to them by the income tax, although the argument of the Chancellor of the Exchequer himself was, that real property was assessed 16 per cent above trades and professions, or at 9*d.* in the pound as compared with 7*d.* He would not trespass further upon the attention of the Committee. The proposition which he had made he believed to be just and equitable, and likewise perfectly practicable, and he trusted that the House would give to it its serious and favourable consideration.

Amendment proposed—

"After the words 'for every twenty shillings of the annual value or amount thereof,' to insert the words 'such annual value of any lands, tenements, or hereditaments, being the net annual value thereof, after due allowance made for repairs, insurance, and management.'"

MR. ALCOCK said, that having already voted for the present Budget, it was scarcely necessary for him to say that he approved generally of the Government scheme. At the same time, although he was anxious to see justice done to all classes, he could not say that he was satisfied with the Amendment now brought forward. Some thought the Budget went too far; but, for his part, he did not think it went far enough, and he had suggested an Amendment to the effect that the present income tax of 7*d.* in the pound should be extended to all incomes in Great Britain and Ireland, without exception, and including all wages, even the wages of the labouring classes. It was calculated that at present only one person in every sixty-five was taxed, while the other sixty-four paid nothing at all. The sixty-fifth man, it was estimated, paid on the average 13*l.* per annum. He would have the tax extended down to even wages of 12*s.* per week; and he calculated that an average of 30*s.* per annum might be obtained from 5,000,000 of persons who at present paid nothing. The whole income of the country was estimated, in round numbers, at 440,000,000*l.*, and it was well known that only 180,000,000*l.* or 190,000,000*l.* was included under the tax; therefore they would get 250,000,000*l.* more, and thus, instead of 5,500,0000*l.* of revenue, they would obtain at least 13,000,000*l.*, which would enable them to repeal the malt and hop duties. He wished to show that the labouring classes were the parties who, above all others, would benefit by such an arrangement, because they contributed now, in proportion to their income, in a greater degree than any other class to the revenue of the country, in consequence of the duties laid upon the articles of consumption. To show that, he would take the case of a farm labourer, with a family of three or four children, whose wages amounted to 12*s.* a week. If the tea duties were reduced to 1*s.* a pound, and the soap duties were entirely repealed, both of which propositions were now before the House—if the malt and hop duties were repealed, as they ought to be—and if the duty on tobacco was reduced, as it ought to be, to 1*s.* a pound, then he calculated that the labouring man, using 10lbs. of tea in the year, would save on that article 12*s.*; on soap he would save 4*s.*; on beer, supposing that he now spent 45*s.* a year, he would save at least 15*s.*; and on tobacco, allowing him only 5lbs. a year, he would save 11*s.*, making, in all, 2*l.* 2*s.*; while his income tax, at 3 per cent, would only amount to 18*s.* a year, so that he would be a positive gainer to the amount of 24*s.* a year, besides getting all these articles more free from adulteration. With regard to the reduction of the malt and hop duties, he would not take up the time of the Committee—he believed it rested with the people themselves to say that they would have their beer cheaper, and they would get it; but they would never get it by leaving the question to that House. With regard to the tobacco duties, however, he must say he was astonished that the Chancellor of the Exchequer, who was at the head of a great religious party in the country, should not have endeavoured to put an end to the frightful immorality and crime that smuggling caused in the country, by lowering the duties on tobacco, which constituted the staple of the contraband trade. It was a perfect farce to come to Parliament and ask for 100,000*l.* to educate the people in morality and religion, while they stimulated smuggling by raising 4,000,000*l.* sterling on the article of tobacco. It was said by Sir Henry Parnell, in 1833, that 3-4ths of the tobacco consumed in Ireland was smuggled, and that was proved still farther by the fact that the consumption in the country averaged only 2lb. per head; while the tobacco allowed to sailors in the Navy, and which they dared not refuse them, was 13lb. per head; and the consumption in Denmark averaged 5lbs. per head, the whole of which was imported. But it was urged against the reduction of the duty on tobacco, that the use of it was a dirty practice. But surely that argument would not be used in the House of Commons, for they had committed themselves to this dirty practice by establishing a smoking room. It might be difficult to levy the income tax upon the labouring classes; but he believed that there was justice enough, and common sense enough, amongst them to submit to the tax, as an equivalent for the removal of the indirect taxation, and he knew that public meetings of the working men had been held at Glasgow and at Sheffield in favour of this very plan. He believed, if an appeal were made to them now, there would be but one feeling in favour of the Chancellor of the Exchequer, who had had the patriotism and the manliness to grapple with the "succession duty on land," and he hoped the Government would go forward in the same direction.

Mr. MILES said, he must express his astonishment that the hon. Member who had last addressed the Committee had not made any observations bearing upon the Motion, but instead of doing so, had favoured them with a Budget of his own. He could not agree with the hon. Gentleman as to the supposed readiness of the working classes to accept the income tax, because it happened that he had, at the last election, mentioned the proposition on the hustings in Somersetshire, accompanying it with the reduction of all other taxes. It was all very well when he spoke of reducing it to incomes of 100*l.*, but it would not do at 50*l.*; and when he spoke of applying it to wages, there was a regular uproar, and it was immediately cried down. If the people of Surrey were like the people of Somersetshire, the hon. Gentleman's Budget would not be very agreeable to his own constituents. The present was the first time the agricultural Members had been able to express their dissatisfaction with the Budget. The hon. Member for the West Riding (Mr. Cobden) had said that his constituents approved of the Budget, as fixing upon owners of real property the burdens they were fairly entitled to bear; but he (Mr. Miles) could not assent to the equitable character of these burdens. Some hints had been thrown out of the local burdens borne by land; and in determining a system of finance, which he believed was intended to be permanent, it would be necessary to consider whether in

1860 this tax would be removed, or whether the then Chancellor of the Exchequer would not say, "You only pay 3*d.* in the pound instead of 7*d.*: and if the tax continues, we shall be able to reduce indirect taxation." But by that time all indirect taxation, except upon articles bearing the very highest duties, will have been got rid of. At present, he would merely ask the Committee whether one single farthing of local taxation had been removed from the shoulders of the owners of real property. In 1849, when the landed interest had the benefit of the corn laws, now removed without equivalent, the present right hon. President of the Board of Control (Sir C. Wood), in answer to a speech of the right hon. Member for Buckinghamshire (Mr. Disraeli), made a frank admission that real property had to bear local burdens to the extent of 12,000,000*l.* Now, he would ask whether one penny of that 12,000,000*l.* had been removed? Upon that admission the right hon. Gentleman acted, in his next Budget, in which he proposed to relieve land from the charge for criminal lunatics, amounting to 150,000*l.* a year; but in the Budget, after it was amended and reformed, the boon was finally withdrawn, and real property was exactly in the same position as it was when the right hon. Gentleman made the admission he had alluded to. If this was to be a final and equitable adjustment of taxation, why were not the local burdens on land taken into consideration, instead of the owners of real property being called upon to take upon themselves additional taxes without one single farthing of relief? He, therefore, called upon the Chancellor of the Exchequer to assent to the proposition of the hon. Member for Berkshire (Mr. Palmer), in doing which he would only be recognising a truth he had before uttered, that there was great local pressure upon land, although the right hon. Gentleman had always been most cautious in saying what that pressure was. The hon. Mover of this Amendment had stated that he was not acting for the upper classes of society, and had called the attention of the Chancellor of the Exchequer to the great number of persons with moderate incomes whose funds were invested in real property. It had been estimated that the annual income from real property in England and Wales was 34,000,000*l.* divided among 200,000 proprietors; this gave an average to each person of 170*l.* a year, and, of course, a great proportion of those proprietors were persons whose incomes were under the average amount; and yet what did Parliament do for them? They first lowered the income tax to 100*l.* a year, and then imposed upon them the legacy duty as an additional burden. It had been stated by Mr. Trevor, that, of the present 1,200,000*l.* of legacy duty, 500,000*l.* was contributed by real property from the sales which were continually taking place. Thus land had not been exempt from that burden which it was now proposed to increase; but he hoped the Chancellor of the Exchequer would feel the justice of the proposed Amendment, and adopt the principle it involved.

CAPTAIN SCOBELL said, if the mild proposal of a Motion could win anything from a Chancellor of the Exchequer, he was sure that now before the Committee ought to be assented to. He could not, however, agree with the hon. Gentleman who spoke last, that there had been no remissions since 1849 to the owners of real property, because he believed that the poor-rates, and all similar charges, had been considerably reduced since that period; and he believed that that was the leading reason given by the late Chancellor of the Exchequer for not more directly relieving the landed interest by his Budget. In fact, the right hon. Gentleman showed, by his figures at the time, that the land had been much eased. Of course, when on the hustings they were all Chancellors of the Exchequer, and he had certainly given it as his opinion, without pledging himself, that no income tax should pass which did not distinguish between fixed and precarious incomes. Though he reserved to himself the right of being convinced by argument, he at that time stated his determination to recognise no other income tax than that which he had described. The Chancellor of the Exchequer had perfectly convinced him that the land did pay more than 7*d.* in the pound as compared with other property, though he thought the right hon. Gentleman had overrated it at 9*d.* He (Captain Scobell) could only reach up to 8*d.* in his calculation. But the Budget was to be considered as a Budget of equivalents, and they must take the advantages and disadvantages together. He quite admitted that the legacy duty was not one of the equivalents, although in one sense it might be so considered also; but he thought that the landed interest ought rather to congratulate itself that it had escaped so long, while all other descriptions of property were taxed, than be surprised that they should now be called upon to pay that tax. He must say that at the time he listened to the five hours' speech of the Chancellor, the Budget seemed to him very much like a Chinese puzzle; but since he had read it, and considered it more carefully, he confessed he saw considerable harmony in it, and thought that the advantages and disadvantages were as evenly balanced as they could well be. The case of Ireland had been much discussed; but surely Ireland, of all other parts of the Empire, had got a fair equivalent in having 4,000,000*l.* of her debt wiped away. He wished Ireland was more identified with the rest of the Empire than it was, and he could not understand why they should have separate Bills for different portions of the Empire. Why should they have Scotch Bills and Irish Bills, taking up whole nights of discussion, when these Bills might just as well embrace the United Kingdom? With respect to the particular proposition then before the Committee, he had admitted that if it had stood alone he should have been ready to support it; but he feared to disturb any part of the superstructure, lest he should bring the whole to the ground, and therefore, although he mainly depended upon land for his income, he should oppose the Amendment. As to whether they would be able to part with the income tax in 1860, he, for one, entertained considerable doubts. The House had wisely resolved that a considerable portion of our income should be derived from direct taxation. At present, he believed, the proportion was one-third of direct taxes to two-thirds indirect; and if they took away the income tax they must find some other direct tax in its place, otherwise they would overburden those who paid indirect taxes.

Mr. PHILIPPS said, that being intimately connected with land, and his whole sympathies being with the landed interest, he owned that the Amendment presented a very inviting aspect to him; but he could not help remembering the exact position in which the Committee were placed. Wisely or unwisely, the Government had committed themselves strongly, and he believed irrevocably, to the opinion that the income tax was incapable of graduation; and, therefore, although as far as mere sentiment went he was in favour of graduation, it appeared to him that to affirm any Resolution expressive of the necessity of graduation was attaching a condition to the income tax which the Government must consider to be inadmissible, and would be practically refusing them any income tax at all. He, for one, was not prepared to take upon himself so heavy a responsibility. Besides, he entertained considerable doubt whether this proposed concession would really benefit the landed interest. In the first place, it was one of a trifling nature; and, in the next place, it would put the landed interest in the invidious position of enjoying a privilege which was not accorded to any other class, and which he did not consider would be at all to their advantage. There was another matter which pressed upon his mind, and it was this:—He, for one, entertained hopes of great relief to the landed interest in other directions; and he was not prepared to sell his grievance so cheap as at $1\frac{3}{4}$*d.* or 2*d.* in the pound. He believed that if this concession were granted, and the landed interest were to press for more relief, they would be reminded that a great concession had already been made to them, and that they must not grumble any more. Great injury had been done to the land by the Court of Chancery. The evils arising out of the laws affecting real property were of a more onerous nature than all the income taxes ever inflicted on the land; and it was to that quarter they were entitled to look for relief, and he was not without hope that it would be obtained. In fact, he could not see how they could pick and choose in the Budget; in his opinion they must take it, or refuse it altogether, with all the conditions annexed to it—one of which was the utter impossibility of graduating the income tax.

Mr. HEYWORTH said, it appeared to him that the wisdom and policy of the original imposition of the present income tax had reconciled the people to its continuance. Through the medium of the income tax, yielding 5,000,000*l.* per annum, Parliament had been able to remit taxes to the amount of 11,000,000*l.* per annum, and still to keep the Exchequer as full and replenished with funds as before. It was quite clear that besides reducing 6,000,000*l.* or 7,000,000*l.* of taxation, they had increased enormously the prosperity of the country by having established the income tax; and it was proposed to be continued for the same purpose. In his opinion where there was good policy there was sound justice—the two always went together. With respect to the inequalities of the income tax, he thought they were too apt to look at those inequalities as regarded individuals, instead of looking at the operation of the tax as a whole. But there was another view which ought not to be overlooked—namely, whether with all its inequalities it was not more equitable than indirect taxation. The income tax interested some 500,000 individuals only, whereas the indirect taxes interested some 30,000,000 of people. Nor should it be forgotten that while the former was only a tax of 3 per cent on the incomes of those who paid it, the working man frequently paid in duties upon the commodities which he consumed 20 per cent of his earnings. He believed that an equal tax upon incomes, from whatever source derived, was equitable in many senses. It might be remarked that this was the principle upon which men voluntarily taxed themselves in their voluntary contributions to charitable and other purposes. It was said that if this tax was just it should be carried down to incomes of whatever amount, and that indirect taxation shonld be wholly abolished. It should be remembered that we could only arrive at this state of things by gradual progress. As to removing the income tax in seven years, he thought it was impossible the House of Commons could stultify itself in so gross a manner, when they recollected the advantages which had been derived from its imposition. He persuaded himself that before that time came we should have an income tax, not of 3 per cent, or even of 6 per cent, but, perhaps, of 10 per cent. He believed that the country was daily becoming more enlightened upon this subject, and was daily becoming more in favour of direct taxation, which was in fact the only scientific and systematic mode of raising the national revenue. He had himself attended many meetings of working men, and he had never failed to find them favourable to direct rather than indirect taxation when the question was fairly put to them; and it was his impression that this feeling was making considerable progress among the working classes. Such a system, coupled with the remissions of indirect taxation which it gave that House the power to make, benefited the working man by increasing the demand for his labour, in order to supply the additional demand for the commodities upon which that labour was employed; it benefited the landowner by the increase in the price of land which always resulted from the commercial and manufacturing prosperity to which it led; and, lastly, it benefited the professional man, who could not fail to share in the general prosperity of the country which it was calculated to produce.

Mr. BUCK said, that he was induced to offer a few observations on this occasion, in consequence of the remarks which had been made as to the alleged unfairness of the Motion of his hon. Friend (Mr. Palmer). An hon. Member below him (Mr. Philipps) had said that because the Chancellor of the Exchequer had not proposed a graduated scale on incomes derived from different sources, he must oppose the present Motion, because he could not conceive it just that the landowners should receive an advantage denied to persons in towns. But the owners of houses in towns would benefit almost more than any one else from the Motion of the hon. Member for Berkshire. He wished the Committee to consider the case of one of the most industrious classes in the country, and one which was perhaps more numerous than was supposed—the small freeholders, of which the county (Devon) which he represented contained, according to the last return, no fewer than 4,000. They were men who had acquired land by their industry, and who now, perhaps, felt more deeply than any other class of the community the burdens which pressed on land. The hon. and gallant Member for Bath (Captain Scobell) said that that class had been much relieved in consequence of recent changes. He (Mr. Buck) would merely mention these facts. In 1845, when the corn laws were repealed, the poor-rate amounted to 6,765,445*l.*, and 2,762,443 quarters of wheat were required to pay that poor-rate. In 1851, the poor-rate was 6,770,700*l.*, and 3,396,533 quarters of wheat were required to pay that poor-rate, nearly one-third more than before the corn laws were repealed. He could not, therefore, see how the farmers of England had been benefited by the change in the corn laws. He thought that the Committee should seriously consider the amount of emigration that had taken place amongst this class, which had, within a few years, increased from 50,000 to 500,000. He believed, from letters which he had received from the West of England, that the pressure now felt by these small farmers would prove most injurious to the interests of the country. He believed, as he had before said, that no class of persons would feel more grateful for the proposition of his hon. Friend (Mr. Palmer) than the owners of houses in towns; and he, therefore, hoped that the Committee would not refuse its assent to it.

Mr. AGLIONBY said, that it seemed to be thought that any landowner who supported the proposition of the hon. Member for Berkshire (Mr. Palmer) must necessarily be opposed to the Budget; and it had been said that the measure must either be taken or rejected as a whole. He, however, never heard that because a measure was accepted as a whole, hon. Members were not to attempt to amend its provisions. On the contrary, he thought it was their duty to endeavour to do so. He should have thought if the proposition of the hon. Member for Berkshire had stood alone, nothing could be more fair than that the duty should be paid on all real property—both land and houses—according to its annual value or amount. The Chancellor of the Exchequer had said that he conceived some distinction should be made between land and houses. But he (Mr. Aglionby) did not see why that should be, as it would increase the injustice. The hon. and gallant Member for Bath (Capt. Scobell) said that the income tax was to be accepted as a "principle of equivalents." Now, to that he could not accede, when it turned out that by this it was meant that because you were compelled to do injustice to one class, you should therefore do injustice to another. He thought that it was not just that no distinction should be made between the taxation of fixed and precarious incomes. He understood that it was the intention of the Chancellor of the Exchequer to allow a deduction for assurance from annuities. Why, then, should not a similar allowance for insurance be allowed from the rent of land and houses? The allowance would in both cases rest upon the same principle—that it was an allowance for a reduction in the means of living. It had been said that as this was a temporary tax, some injustice in its working must be tolerated. But he could not regard it as a temporary tax; nor did he, as at present advised, hope that it would be; for he believed, that if properly regulated, it was as good a tax as could be. He had no fear that the owners of houses and lands would be held up in an invidious light as seeking exemption from taxes, if, as in the present case, they only asked what was just and right. His feeling was now and always had been in favour of taking off indirect taxes, which bore heavily upon the large body of the people, and more especially upon the artisans and other classes of workpeople who depended for their daily bread upon their daily work. He was decidedly of opinion that the owners of land and real property should not be made the scapegoats in this readjustment of taxation. He thought, however, that the Amendment of the hon. Member for Berkshire (Mr. Palmer), was one which deserved the consideration of the Government.

Colonel HARCOURT said, he could not give a silent vote on this occasion, for he could not forget that the whole party on that (the Opposition) side of the House, had been asked by the right hon. Gentleman the late Chancellor of the Exchequer to vote, on the 16th of December last, the continuance of the income tax for three years, without holding out any hope that at the expiration of that period the tax should cease. The tax then contained precisely the same incidences with regard to houses and lands as it did by the proposition of the present Chancellor of the Exchequer; and, having due regard to his own feelings, he could not in May vote that unjust and inequitable which in December he had voted to be just and equitable. In May last they were asked not only to continue the income tax upon land and houses, but they were asked to increase its burden by diminishing the rates at which it was to be levied on incomes derived from trades and professions. He could not understand the virtuous indignation now exhibited by hon. Members, seeing that by the Amendment they now proposed to impose a still heavier burden on trades and professions by diminishing the tax to be levied on the land. He thought it due to his own honour, and to his constituents, to state his reasons why he could not vote for the Amendment of his hon. Friend (Mr. Palmer), however much he might agree with it as an abstract Resolution.

Mr. SPOONER said, he was not aware that the Committee had come to any such vote on the 16th of December last (in favour of the income tax) as the hon. and gallant Gentleman (Col. Harcourt) had alluded to. He had himself stated on that occasion that he only voted for going into Committee on the house tax, and had moved that the words "not exceeding" be inserted; and stated that although he was prepared to take the proposition into consideration, he was not prepared to vote for doubling the house tax. He thought at the time that his right hon. Friend (Mr. Disraeli) would have done much better to have taken the Budget in detail, and not as a whole. With regard to the property tax, he had always considered it a war tax, unjustifiable on any other ground. He had opposed it when proposed to be renewed in 1851, and he should continue to do so from whatever side the proposition for its retention or reimposition might come in time of peace. Right hon. Gentlemen on the Treasury benches, with the exception, perhaps, of the Chancellor of the Exchequer, and of the First Lord of the Admiralty, had spoken strongly against the property tax. The noble Lord the Member for the City of London had declared, in 1845, that it was full of fraud, vexation, and insupportable inquisition. Circumstances might change; but he was not aware how, if it was full of fraud and vexation then, it was not so now; but still the noble Lord proposed to vote for it. The right hon. Gentleman the President of the Board of Control had proved on a former occasion that the land was charged not merely 16 per cent more, but absolutely 20 per cent more than any other property. Yet both those right hon. Gentlemen were in favour of the tax now. In conclusion, he would state that the peculiar burdens to which land was subject, rendered it just and necessary that the tax should be modified, to afford it some relief.

Mr. DRUMMOND said, the question before the Committee was, not the income tax as an abstract question, but a particular modification of that tax. It was admitted upon all hands that land bore more burdens than any other kind of property. [Mr. Bright: No, no!] Everybody then, except the hon. Gentleman, admitted such to be the case. The consequence was, that the Chancellor of the Exchequer proposed that certain deductions and modifications should be made with respect to management. He felt sorry they were not discussing the matters rather in Committee upon the Bill itself with all the details before them, than in separate Resolutions, for much depended upon the machinery with which the measure was to be worked out. There was a class in which he felt deeply interested, namely, the small freeholders—the small landed proprietors, to whom no deduction was to be allowed on account of management. As to the question of the continuance of the income tax, he entertained the same opinion as he had ever done—that it would be perpetual—that it never would be taken off. As to the question of increasing direct taxation, and diminishing indirect taxation, he would tell those hon. Gentlemen who had expressed an opinion to the contrary, that they were mistaken in their views, for the smallest consideration would show them that the Government of the country never would be carried on in troubled times without indirect taxation.

Mr. BRIGHT said, that ever since he had sat in Parliament its attention had been mainly directed to diminishing certain privileges which the land had formerly possessed, and, now that those privileges were almost entirely abolished, he found the Chancellor of the Exchequer, who was once considered the advocate of hon. Gentlemen opposite, while he acknowledged the burden of the income tax on land, was at the same time asking them to impose the legacy duty on real property. He applauded the right hon. Gentleman for so doing. In his opinion it was a proof of candour. Having discovered that the course he had taken when a young man was erroneous, the right hon. Gentleman was not ashamed to avow it, and, having become convinced of the truth of what he now believed to be sound principles, the right hon. Gentleman was prepared to carry them out. But the Chancellor of the Exchequer had got himself rather into a difficulty with regard to the Motion now before the Committee. If he had understood the able speech of the right hon. Gentleman right, when he introduced his Budget, he argued that the land paid on its gross income 9*d.* in the pound, and other property only 7*d.* in the pound. At the same time the right hon. Gentleman appeared very much disposed to argue—only public opinion seemed to have shaken his own opinion—that the discrimination might be made. But he thought the right hon. Gentleman had committed a great mistake in that respect, for his speech was more that of an advocate than of a statesman. The right hon. Gentleman had alluded to the mode under which land was charged, but forgot altogether the mode under which every other kind of property was charged. If the right hon. Gentleman had had the schedules before him—he (Mr. Bright) did not know under which schedule he (Mr. Bright) paid—but he was quite sure the right hon. Gentleman would have found that with regard to that particular class of trade there was ground for at least an equal amount of reduction as that which the hon. Gentleman (Mr. Palmer) proposed by his Amendment to make in favour of the land. The right hon. Gentleman the Chancellor of the Exchequer had alluded to the charge of insurance as it affected land. Everybody knew that that must be the smallest charge affecting landed property, since the land itself was not liable to it at all. It was paid on the farm-buildings, which were a very inconsiderable portion of the whole property of the landlord; and for this insurance of his farm-buildings he believed the landlord paid no stamp duty. Let them look at the manufacturing trades of Lancashire and Yorkshire, and other parts of the country. There the insurance was charged as profits, and the law did not allow it to be deducted. There were many insurances in Lancashire and Yorkshire amounting to 400*l.*, 500*l.*, and 600*l.*, and, while upon an insurance of 500*l.* the manufacturer actually paid 100*l.* to the Exchequer, the law took income tax upon the whole, as if it were net profits. That was bad enough, but there was much more behind. Everybody knew that machinery, however perfect and expensive, could not last for ever, and that in the course of ten or fifteen years, however valuable, it became worth scarcely anything more than the metal of which it was made. He knew this perfectly well, for he had recently been made acquainted with a case which showed it very strongly. The machinery of a single room, which was valued in 1840 at 900*l.*, was valued again in 1851 by a sworn appraiser, who valued it at 100*l.* It was offered for sale at that price, but nobody would purchase it, and it was therefore broken up, or was in course of being broken up, that it might be sold as old metal, and make room for new and more perfect machinery. But during this period, from 1840 to 1851, this machinery was being gradually depreciated, and the difference in value went to decrease the profits of the concern, yet was the income tax charged all the same, and no deduction allowed on that account. Then there were bad debts. Every one at all acquainted with business knew that it required a long-headed tradesman to avoid making bad debts; but if once made, it was difficult, if not impossible, to get them allowed by the income-tax commissioners, though the parties might take the trouble to prove the case before them. Adverting again to the question of insurance, he would mention a case he was acquainted with. A friend of his had imported a cargo of cotton into Liverpool from New Orleans, and had naturally insured it; but the income-tax commissioners would not allow him to charge the insurance, though it bore the same relation to the price of the cotton as the freight. All these were cases which appeared to him to make out as good a case for the manufacturers as the right hon. the Chancellor of the Exchequer had made out for the landlords, when he showed that they paid 9*d.* instead of 7*d.* in the pound. The right hon. Gentleman would have been more just if he had also given the case of the great manufacturing trades of the country, who, next to the land, paid the greater portion of the revenue derived from the income tax, and then he would not have found hon. Gentlemen opposite using arguments against him, such as they were bringing forward that evening. He had not spoken on the Budget, and he would not enter into details then; but there was one observation he desired to make. He was not one of those who had spoken or urged strongly on the possibility of discriminating between different classes of income. He had always thought it would be more just to make an alteration; but he had long been of opinion that, so far as the commercial classes were concerned, the constant irritation and disputing of returns did more to establish the grievance complained of. Then, there was only one rate. He believed very few persons—he might say not one among his constituents—had ever put forward any very strong opinions on this question. But, with regard to the mode of assessing, many of them had expressed opinions very strongly in condemnation; and he must say, if the tax were now to be reimposed for another period of seven years, —whether it would be prolonged after that time or not—he thought the Chancellor of the Exchequer might very easily make an arrangement by which the assessment could be more fairly made than it was at present. He spoke particularly of the neighbourhood in which he lived; and he could safely declare that there was a general feeling of dissatisfaction with the commissioners, and that that feeling arose more from the mode and manner of the assessment than from the amount of the tax. There might be considerable improvement in the management and collection. There were surveyors in every district of a few miles. There was one within six miles of his own house, but, like most gentlemen, he endeavoured to see as little as possible of him. He thought it would be extremely easy for these surveyors to make a list of all the persons who paid the income tax in the previous year, or in a period of three years, and to have them printed and distributed to every person within their district who paid the tax. A circular might be sent with the list, asking the taxpayer to mark out the twenty-four or twenty-five of the number whom he might deem suitable to fill the office of commissioners. The surveyor would see from the lists thus sent in, the names of those who possessed the confidence of their neighbours as men of honour, integrity, and business character. The commissioners might be chosen from these lists, instead of from the land-tax commissioners, as was the case at present, who were appointed by Members of the House upon no other principle than mere political or personal predilections. He made this suggestion because he was quite satisfied that it would tend to remove the grievances in the mode of assessment which were now so much complained of. He would not go into other matters connected with the Budget; but, after what he had stated, it must be clear that as he had voted for the Budget of the right hon. Gentleman, he must vote against the Amendment of the hon. Member for Berkshire. He thought he had shown that, if he voted for that Motion, and, if it were carried, it would be necessary for him at once to submit another Motion to insure the same deduction being made in favour of other trades and professions as the Amendment proposed to make in favour of land. If they were to deduct equal amounts from everybody, the Exchequer must suffer very considerably, and they would soon have to consider how to raise the tax from 7*d.* to 9*d.* in the pound for all, and therefore he thought it would be better for the tax to remain as it now was.

Sir THOMAS ACLAND said, that the object of the Amendment under the consideration of the Committee was merely to remedy one of the many inequalities of the income tax, while it would leave a vast number of others in full force. He could not, therefore, approve of the policy on which that proposal was founded, and he was consequently unable to vote for the Amendment of the hon. Member for Berkshire (Mr. Palmer). In his opinion his right hon. Friend the Chancellor of the Exchequer pursued a fairer as well as a bolder course when he declared that he despaired of being able to untie the many knots of those difficulties, and that he, therefore, felt compelled to ask the Committee to renew the tax in the form in which it had already been imposed. That tax was like a bundle of very crooked sticks, and his right hon. Friend, instead of making the vain attempt to straighten them all, very wisely left them as they were, and kept them together unbroken. But he would tell his right hon. Friend that in imposing a new tax on the landed interest in the shape of a legacy duty, it would be necessary for him to make a large and liberal allowance in favour of that interest. His right hon. Friend would not be justified in the case of that new burden in imposing the charge on the gross income derived from land. He (Sir T. Acland) could not help remembering that land was already subject to many changes in the shape of local taxation, such, for instance, as poor-rates and highway rates from which money was exempt. He believed the Budget was rather against than in favour of the landed interest; but he also felt persuaded that the proposals which had been brought forward by the Chancellor of the Exchequer, formed on the whole one of the noblest and most comprehensive schemes for righting the financial condition of the country which had ever been submitted to the consideration of the Legislature.

Sir WILLIAM JOLLIFFE said, he believed no one could dispute that land was already subject to peculiar and very considerable burdens. It had been admitted by the right hon. Gentleman the Chancellor of the Exchequer himself, that the income tax fell more heavily upon land than upon any other description of property. The right hon. Gentleman had told them that land contributed to the tax to the amount of 9*d.* in the pound; but he (Sir W Jolliffe) believed it contributed to the amount of even 10*d.* in the pound. And yet the right hon. Gentleman proposed to impose upon the landed interest an additional burden of about 2,000,000*l.* a year in the shape of legacy duty. He (Sir W. Jolliffe) believed that that additional burden could not be imposed upon any just principle, and that it would be a decided breach of the faith of Parliament. They had heard a good deal of faith to the public creditor, but they had never heard anything of faith to the landowner. Many estates had been settled, perhaps two or three times over of late years, and had at each settlement been subject to enormous charges for stamps and conveyances. Mr.

Pitt, and all our great financiers since the days of Pitt, had held that the taxes imposed in stamps and conveyances in the settlement of land were an equivalent for the legacy duty. But the right hon. Gentleman the Chancellor of the Exchequer, by his proposed measures, would no longer acknowledge the existence of that equivalent. Under these circumstances he should say he thought the tax a most unjust imposition, and, though it had been extolled as "comprehensive," he could see nothing of the kind in it, as it was levelled at land alone. The whole imposition rested on that article, and therefore he (Sir W. Jolliffe) could not at all consent to the Resolution, and would vote in favour of the Amendment of his hon. Friend (Mr. Palmer).

The CHANCELLOR of the EXCHEQUER: Sir, before the Committee proceeds to a division upon this most important question, I am very anxious to state the views which my Colleagues and myself entertain with regard to it. The hon. Member for Berkshire (Mr. Palmer), who made the Motion now before us, commenced his very temperate speech by disclaiming, on his part, everything like factious or party motives. Sir, I give the hon. Gentleman the most entire credit in that respect. I am convinced there is no man less likely to make a Motion of such a character, and, above all, there is no man in this House less likely, if he did make a Motion of such a character, to fix upon that Motion any other character than that of truth. But, with respect to the importance of this Amendment, I think the hon. Gentleman greatly undervalues it. I shall not endeavour to entangle hon. Gentlemen by the discussion of details. It would be very easy for me to enter upon many matters of that description, and to show that, by the adoption of this Motion, you would be involved in many great anomalies; and you would introduce difficulties amounting to confusion into the working of a tax which, unless you fix its detail within certain bounds, would become absolutely unmanageable. A great deal might be said on subjects like that, but there is more important matter before us. There is a stronger, at all events a much higher and broader, ground, on which it is my duty to object to the Motion of the hon. Gentleman. It is not because his Motion is devoid of plausibility, or even is devoid of equity, if it stood as a naked, abstract proposition. It is when we view it in conjunction with other provisions of the tax of which it forms a part—when we view it in conjunction with the present group of circumstances which bear on the renewal of the operation of the tax, in conjunction with the pledges given at former periods, and on recent occasions—that Her Majesty's Government feel that they would be deserting the very first principles of their duty were they either to consent to the Amendment of the hon. Gentleman, or to give it anything less than the most resolute and unqualified opposition. For the same reason, because I am anxious to make my statement on broad grounds, I will not dwell upon the many details which have been referred to in the course of the debate. But with respect to the hon. Member for North Devonshire (Sir T. Acland), whose sympathy has been greatly excited on behalf of the small freeholders, I may be allowed to say that we are proposing an income tax that will leave every freeholder under 100*l*. scot free; whilst he supported a Budget that proposed to tax every 40*s*. freeholder—a Budget which, if I recollect right, taxed all real property, irrespective of the amount of income of its possessor, and going down to a very low limit—I believe it was 50*l*. But I will not dwell on these things. In order to understand what are the just expectations of the country with respect to the question, we must travel a little backwards. We must consider what was the situation of affairs in December last. At that time the right hon. Gentleman the Member for Buckinghamshire, the then Chancellor of the Exchequer—the champion, the chosen champion of a large portion at least of those whose interests are connected with the land—proposed his financial plan; and I was asked to-night why it was that I had said nothing on behalf of the land with regard to local taxation, and why I had proposed no reduction of its burdens. Why, Sir, if I had proposed a reduction of those burdens, I should not only have been met and confronted, but overwhelmed with quotations from the speeches of the right hon. Gentleman the Member for Buckinghamshire. He, as you know—he, in your hearing—he, as your leader, your organ, your champion, with your consent and support, consigned your claims to perpetual oblivion. But now, after a lapse of four months, you come forward and make it matter of accusation against me that I have not proposed your relief from local taxation. But was that all that was done by the right hon. Gentleman's Budget in December last? No; you had then the proposal of an income tax; you had then a Resolution laid upon the table, under which that income tax was to be levied; and the Resolution laid on the table with regard to Schedule A corresponded exactly with that which I now ask you to support. I know not what course the right hon. Gentleman is going to take—I know not whether he means to adhere to his own proposition of last December. I will not speculate on that matter at this moment, for an hour or two will solve the question. But this I know, that the right hon. Gentleman made this proposal, with your support, as your leader and your organ—he made this proposal with regard to Schedule A, which Her Majesty's Government now make, and upon which you are asked to decide. Was that all that he did? With an unmitigated Schedule A, what kind of Schedule D did the right hon. Gentleman give you? Whilst land paid 9*d.*—I will not now go into any detail as to whether that is too little or too much; but I go to the point that at this moment land and houses, including other buildings, such as manufactories, pay a higher rate than other property—whilst that inequality was left unmitigated, the right hon. Gentleman laid another inequality upon the back of it, for he proposed to reduce Schedule D to 5¼*d.*, and that with your approbation and your support. But then, says the hon. Member for Berkshire, there was no legacy duty in the case. Now, was there no legacy duty in the case? There was no legacy in the present case; but there was a legacy duty very legible in the future case. I am sure the hon. Member for Berkshire must have heard these ominous words, "At the same time we have not neglected carefully to examine the question of the stamp duties and the probate duties." I believe the word "legacy" does not appear; but there is no doubt about the meaning of the words—

> "We have not neglected carefully to examine the question of the stamp duties and the probate duties; and we think it not impossible to bring forward, on the right occasion, a duty on successions that will reconcile contending interests, and terminate the system now so much complained of." —[3 *Hansard*, cxxiii. 906.]

Now, I want to know whether these words have a meaning or not. To me they are clear enough. What is "the system now so much complained of?" The system which taxes unsettled personalty, and which exempts settled personalty and realty. That is the "system so much complained of"—that is the system which the right hon. Gentleman, your organ, your champion, your leader, proposed and promised in the name of his Government to terminate. Now, Sir, that was the combination of events—that was the combination of circumstances as they stood in December last. But there is yet one other. You say that, although we talk about the termination of the income tax, it will not end in 1860. Neither I nor you are the masters to determine that question. But every prophet and every seer who rises on that side of the House and says the income tax will not terminate in 1860 adds to the difficulties of bringing it to a termination. I will not talk about its termination in 1860. I have given my own opinion, that it ought to be considered as a temporary tax, and ought not to form a part of the permanent and ordinary system of finance of this country. But while we have not talked much about its termination, we have done this—we have endeavoured to place circumstances in such a train—we have endeavoured, by deeds and not by words—by bringing into play additional resources of taxation, and by introducing the principle of gradual descent into the income tax—we have endeavoured to show by figures that we have put the question into such a manageable form as will enable Parliament when the time arrives to part with the income tax. You now complain of the income tax, in conjunction with the legacy duties, as it stands in our proposal, and yet you supported the tax as it stood in the proposal of last December. What was the proposition of the right hon. Gentleman (Mr. Disraeli)? I think his proposal then was to renew the income tax for a period of three years. What did that mean? You all know what it meant. It meant the tax in perpetuity. I do not mean to say that it implied a foregone conclusion to that effect on the part of those who proposed the renewal of the tax for three years; but what was done was this: the tax was proposed for three years, no provision was made for its extinction at the end of that period, and, indeed, the right hon. Gentleman opposite might just as well have made up his mind to make it perpetual. You cannot afford to part with 6,000,000*l.* of revenue at a moment's notice. If you are in earnest to get quit of the income tax, you must make provision and prepare the ground. We have done so. You say that you are afraid the income tax may exist after 1860. That is possible—the tax may exist after 1860; but we have prepared the ground for its extinction, and have made such provision that Parliament will be in a condition, in 1860, to abolish the tax if it pleases. Here, then, was the combination of events in December last. You had an unmitigated Schedule A; you had the principle of differentialism established against you in Schedule D; you had no prospect of the abolition of the income tax; and you had the promise of a legacy duty. Well, now, it is supposed that party and factious motives alone could have determined me to resist the scheme of December last. It was not so. I opposed the scheme of December last, because, in the first place, I thought its mode of dealing with the income tax unjust, and I anticipated from it the greatest of evils. That was my conviction at the time. I thought that the mode of dealing with the income tax which was then proposed would lead to confusion, and that impression has been strengthened since I heard the right hon. Gentleman the Member for Buckinghamshire say the other night that his proposal of last December was not a financial measure, but the acknowledgment of a principle. I still remain of opinion that the mode then proposed of dealing with the tax, would have led to financial confusion, would have opened up difficult and impracticable questions, and would have produced a war of classes. I am not ashamed to say, notwithstanding the compliments of the hon. Member for Manchester (Mr. Bright), with regard to my change of opinion, that I thought the plan of the right hon. Gentleman the Member for Buckinghamshire most unjust in its ultimate bearings upon those who are connected with landed property. What has been the result of the proposals then made? The proposal to relieve the other schedules at the expense of Schedule A, did not die with the expiring Ministry. We heard of it last week. I want to know, if such was the situation of last December, what was the situation of last Monday night? We had then the following Motion presented to us:—"That the continuance of the income tax for seven years, and its extension to classes heretofore exempt from its operation, without any mitigation of the inequalities of its assessment, are alike unjust and impolitic." For that Motion 252 Members of this House gave their votes; and it will be matter of no small interest to the country to see how these 252 Gentlemen, who so disposed of their votes last Monday, shall dispose of their votes to-night. "Without any mitigation of the inequalities of its assessment." What was the meaning of those words? I want to know to what inequalities those words referred. You know the meaning they bore, and still bear, in the public mind. Do you attach the same meaning to them, or do you not? There are two quite different kinds of inequalities in the income tax. First, there are those of which we have heard so much to-night. We have been told that the property assessed in Schedule A is taxed at a somewhat higher rate than the property comprised in the rest of the schedules. Was that the inequality which was meant to be pointed out for correction by the Motion of the hon. Baronet the Member for Hertfordshire (Sir B. Lytton)? Now, Sir, I am most anxious that we should have a distinct answer to that question. Was that, I repeat, the idea which hon. Gentlemen had in their minds when they voted for the Motion of the hon. Baronet the Member for Hertfordshire? Did you think that he was going to reduce the rate paid under Schedule A, and, consequently, to impose a new burden upon the trading and professional classes, in comparison with the owners of landed and real property? If that was your idea, I can only say that you were most unfortunate in having adopted words which conveyed to the understandings of the community at large a meaning totally opposite and contradictory, and in having chosen for your organ and exponent upon the occasion an hon. Gentleman of great ability, but one who, in the speech with which he introduced his Motion to the Committee, exhausted all the stores of his rhetoric in setting forth the hardships—what hardships?—the hardships of the landed interests?—no, but the hardships of those whose enterprise, whose intelligence, and whose skill constitute, as the hon. Baronet had said, their only property, and whose continued good health is their only guarantee. Now, I want to show what was the meaning of the vote of last Monday. It was meant to alter the relative position of the schedules: of that there can be no doubt. But what I want to know is, did it mean to alter the position of Schedule A at the expense of Schedules D and E, or did it mean to alter the position of Schedules D and E at the expense of Schedule A? If you had in view anything analogous to the Motion of to-night, then you must intend, I will not say to delude or deceive, but to mislead the country; but if, on the other hand, you meant, what it was plain the hon. Baronet the Member for Hertfordshire meant, and what all the speakers who followed him meant—namely, the reduction of the rates charged on trade and professions—then I say you did that which my noble Friend who closed the discussion last Monday told you you were about to do—you cheered and supported, and voted for a Motion diametrically opposite and contradictory to the Motion of to-night. Sir, I must here allude for a moment to what fell from the hon. Baronet who spoke last. I would ask him what meaning he attaches to the Motion of last Monday night? Was the meaning of it, "We want to relieve Schedule A?" or was the meaning of it, "We want to relieve Schedule D?" or was the meaning of it a latent meaning, wisely and conveniently kept back, not expressed—"We do not wish to obtain a legacy duty?" Now, the hon. Baronet (Sir W. Jolliffe) says he can see nothing in this Budget except taxation laid upon the land; and in proof of his assertion he says, "Why, you state yourself that you are going to lay 2,000,000*l.* of taxation upon land by exacting a legacy duty." Sir, I do not wonder that the hon. Baronet can see nothing in this Budget except taxation upon land, if that is the process by which he arrives at his conclusion. The hon. Baronet says I have myself stated that I am going to lay 2,000,000*l.* of additional taxation upon land. Why, Sir, I never made such a statement. I stated the very reverse, and I challenge the hon. Baronet to show that the charge of the legacy duty will be 2,000,000*l.* upon land. What I stated, and what I will repeat until the hon. Baronet understands me, was, that we are going to amend the basis of the legacy duty altogether; that we think the distinctions which now exist are unjust, especially that which exempts all settled and real property; that we are going to take away the exemption which attaches to all settled and real property as such; and that we are going to make the legacy duty applicable to all kinds of property whatever, not to draw such a distinction in regard to the mode of levying the duty as we think would operate to the injury of property which at present bears a heavy burden of taxation. And here I venture to tell my hon. Friend the Member for North Devonshire (Sir T. Acland), who

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has applied his mind with so much fairness to that portion of the subject, that when he sees the provisions of the Bill we shall introduce for the purpose of altering the legacy duty, he will find them not unworthy of his approbation. Now, Sir, if we were to look at the immediate financial effect of the proposition of the hon. Member for Berkshire, we would see that it would deprive the Exchequer of a sum of about 450,000*l.* [Mr. PALMER expressed dissent.] The hon. Gentleman shakes his head, and of course I speak in some degree from conjecture; but I am persuaded that, if the hon. Gentleman is permitted to carry his Motion, the deductions which will be made from the gross amount of the tax now levied under Schedule A will be to the extent of about 16 per cent. [Mr. PALMER: The deductions will be much less than that.] I am sure I do not see how they can be less. The expense of repairs, of management, and various other items—why the hon. Gentleman will find it difficult to estimate the deductions at less than 16 per cent. Moreover, the hon. Gentleman proposes to make his plan applicable to house property, and he must be aware that in a great many instances the *bonâ fide* repairs on house property amount to 15 per cent without any other charge. My belief is, that his deductions would deprive the Exchequer, as I have previously mentioned, of the sum of 450,000*l.* Now, Sir, I have a very simple answer to make to this proposition; we cannot afford to part with the money. I would return this reply even if I were to suppose that the measure which the hon. Gentleman proposes was to stop at Schedule A. But who imagines that it could stop at Schedule A? Who conceives it possible to vote for the Motion of the hon. Gentleman with regard to Schedule A, and not to carry the principle through the whole of the schedules? When the hon. Member for Manchester (Mr. Bright) said that deductions were likewise necessary under the other schedules, he was greeted with enthusiastic cheers from both sides of the House. Well, then, these deductions are to run through the whole of the schedules; in other words, 16 per cent is to be taken off the whole tax. Speaking in round numbers, that would occasion a loss to the revenue of 1,000,000*l.* from the present produce of the tax. Now, that is a most agreeable process, and doubtless we would all like to indulge a feeling of enlarged generosity, to strike off one item after another, to go home to-night after agreeing to this Motion with those sentiments with which philanthropy and benevolence always distend the heart, to repeat the process to-morrow night in the case of Schedule C, and so to go on with schedule after schedule, until you reduce the tax to a mere skeleton of its former self. But if you make these deductions upon the whole of the schedules, what becomes of the financial measure. What becomes of the remissions of duty? I am afraid you will be obliged to commence a counter process, and having begun by reducing land from 9*d.* to 7*d.*, and effecting an equivalent deduction upon the other schedules, you will require to retrace your steps and raise the land from 7*d.* to 9*d.*, and so on with the rest of the schedules back again in the same way. I am not prepared to enter upon that course. I am convinced you never could carry through such a process, and that the adoption of this Motion would introduce utter and hopeless confusion into the assessment and collection of the tax. If you deduct 16 per cent under Schedule A, you will have admitted a principle of such a character, that it will be impossible for Schedule D to be content even with 16 per cent. After the plans of last December, which were offered as a step in the right direction, it is impossible for you to impose upon that process such limits as may appear to suit your particular inclinations. Indeed, I could not wish you a more fatal gift than the success of this Motion. We cannot, however, afford to enter upon any such process. We cannot afford it as far as regards the mere arithmetical effects upon our calculations. We cannot afford it as far as regards the principle that is involved. The Motion of the hon. Gentleman (Mr. Palmer) if adopted, breaks up the whole income tax; and, breaking up the whole tax, it necessarily breaks up that which rests upon the tax. It breaks up the whole financial measures and proposals of the Government. It is impossible for us to undertake the reconstruction of the tax. If we meddle with it we peril that very extensive remission of taxation which we have laid before Parliament, and which I think I may say without presumption has received and is receiving the approbation of the country. Sir, we will not take the first step in such a course. What has been our position? When we were first called upon to view the financial state of the country, we found the question of the income tax under these circumstances: the right hon. Gentleman (Mr. Disraeli) had pledged himself to the principle of its reconstruction; many Gentlemen on this side of the House had expressed opinions more or less favourable to the same course; but upon examining the question, we found that it was impossible to reconstruct the tax, or to bring the attempt to any satisfactory conclusion, and that by undertaking it we would introduce confusion into our finances, injure the public credit, set class against class, and produce mischief infinitely greater than any good which the most sanguine advocate of such a course could anticipate. We did not conceal these convictions; we stated them; but we said—

> "We sympathise with the feeling that the income tax bears more hardly on trades and professions, on industry and skill, than it bears upon property; but we feel, at the same time, an entire conviction that this sympathy could not be practically carried out, in a reconstruction of the tax, without producing evils far greater than any good which could be effected by the change."

Well, we were generously met by the House of Commons, and last Monday night we obtained a vote in favour of the general principles upon which we were proceeding. The first of these general principles was to take the income tax in all its main features as it stands at present. I distinctly disclaimed all abstract and speculative arguments as to what might be the best mode, abstractedly and speculatively, of laying an income tax on the community. I am liable to no taunts on that subject by saying I have argued for an equal tax, and now you ask me to make it so. I tell you I never argued theoretically for an equal tax, and I do not believe it is possible. What we said was—

> "We find the income tax defective in some points, but we find also it has achieved great things for the country; we find it accepted to a certain extent by the nation, no doubt calling for amendment in some parts, but on the whole productive of good far beyond the hardships and grievances that attend it."

We consequently asked you to consider the income tax as a whole. Now I ask if that was at all compatible with any intention or any willingness on our part to be pressed into tampering with the reconstruction of the tax? Sir, the Motion of the hon. Gentleman (Mr. Palmer) invites us to tamper with the tax; but we cannot do so without destroying its efficiency. We must keep faith with those who have supported us. We must refuse to commence this process. We are bound not to commence it, because it would prove our first step in a path that must lead us upon ground so insecure that we should be obliged to abandon the whole substance of the proposals we have made. From both sides of the House we have received support in asserting these principles—received it, not simply on account of this man's being inclined to one feature in the Budget, and another to that, but because the general proposal holds out something like an outline of a general policy tending to place the finance of the country on a footing of security, to confirm public credit, and to do justice between one class and another of the community. Sir, having received that support, we are not going to shrink from the conduct by which it was earned. We intend to adhere to the measures we have proposed. We do not pretend to interfere for one moment with the discretion of Members of Parliament in bringing forward this or that Amendment; but I do trust the Committee will consider well before they give a vote that will deprive the country of the great good we confidently expect from the proposals we have made; and I trust that hon. Members who, in all sincerity of purpose, voted on Monday for the relief of intelligence and skill, will pause to-night before they give a vote of a totally opposite and contradictory character. I have here words which are not unworthy of the attention of the Committee—of the attention of those who may be considering within themselves, on what principle they voted last Monday, and on what principle the vote of to-night turns. These are the words:—

> "There is nothing in life, especially in public life, more important than to have a principle to guide you. Whatever the perplexity, a principle simplifies everything. However extraordinary the Gordian knot, a principle would almost instantly cut it."

The words I have here read are words that were recently used by the right hon. Member for Buckinghamshire in addressing the Committee, and I quite agree with them. Now, the Motion of Monday expressed distinctly enough a particular principle—I think an erroneous one; but I defy the wit of man to show, that the Motion of last Monday asserting one principle, the Motion of this Monday does not assert a principle totally opposite. Those who are guided by the Motion of last Monday cannot be guided by the Motion of this Monday; that was a Motion for relief to trades and professions at the expense of the land; this is a Motion for the relief of the land at the expense of trades and professions. This view of the matter is perfectly clear to the country; there is no mystifying the matter so as to exclude the public comprehension of its real merits. We have declared that, looking at the income tax as a whole, we believe that it is capable of producing great benefits to the community. To that doctrine we adhere. We are prepared for those who think that precarious incomes ought to be relieved at the expense of permanent incomes. We ourselves propose a plan for placing a greater burden upon property, which we shall soon have an opportunity of bringing under the consideration of the House; but I must confess it will be singular indeed if within the space of seven days the plans of Government are to be assailed by two hostile Motions, each of them supported by a strong party combination, and each diametrically opposed to each other.

MR. DISRAELI: Sir, the question which we have to decide is one, no doubt, of great importance, and which cannot be settled by the assertion of a general proposition. The right hon. Gentleman the Chancellor of the Exchequer has entered into a criticism of the financial statement of the late Government. I shall not shrink from vindicating the policy which I recommended, though it is not from any feeling of egotism that I discuss the subject. The right hon. Gentleman has given a description of the plan which the late Government offered to the attention of the Committee for continuing the income tax. The right hon. Gentleman has said that there was, in that project, the asertion of a distinction between assessments of real and of precarious incomes, and has asked whether that distinction was favourable to the landed interest? The right hon. Gentleman has said that we proposed to extend the tax on real property down to 50*l.* yearly value, and has asked whether that proposal was offered as a benefit to land? The right hon. Gentleman has said, that we made, if not a proposition, at least an intimation of a future measure, that should impose a tax on conveyances and a probate duty—I protest against the use of single passages as a Ministerial statement—and has said, with a logic which I do not follow, that if that was not dealing with the legacy duties, he was at a loss to know what the legacy duties meant. But the right hon. Gentleman forgets that both the stamp duties on conveyances and the duties on probates are matters which he has not introduced to our notice. What I stated, in general terms, was, that we hoped it would be in our power to propose a measure on the general subject of successions which would terminate the controversy which had so long prevailed in that respect. The right hon. Gentleman, in his criticism upon the financial propositions of last December, and in his endeavour to show that his proposition is not more hostile to real property, and especially to land, than the policy recommended by the late Government, has had the candour and the ingenuousness to forget, that whether our policy was right or wrong, our measures were brought forward in order that we might revise the whole system of taxation—in order that we might relieve real property, and especially land—in order that we might carry a proposition which would have reduced the indirect taxation upon land to an amount of not less than 2,500,000*l.* per annum. If the right hon. Gentleman himself feels that he is justified in having forgotten all this because he may have disapproved of our policy in that respect, there is at least no such excuse for the hon. and gallant Gentleman who represents the Isle of Wight (Colonel Harcourt), because that hon. and gallant Gentleman, who is so sensitive with regard to his political honour—so careful that he shall not be chargeable with inconsistency—that hon. and gallant Gentleman told us on Monday last—that Monday so frequently referred to by the Chancellor of the Exchequer—that there is no impost so grievous on land as the malt tax, and that the principal fault he found with the late Government was that they had not proposed the total repeal of the malt duty. I suppose when the hon. and gallant Gentleman fills the office now filled by the Chancellor of the Exchequer, the total repeal of the malt tax may, doubtless, be expected. But let us look at this matter for a moment. Having called the attention of the Committee to this principal omission, reminding the Committee that the right hon. Gentleman has omitted from the enumeration of his measures a proposition which would have reduced the indirect taxation upon land to 2,500,000*l.*—reminding the Committee also that one quarter of the revenue is raised by a tax upon a single crop of the English farmer, let me now advert to the scheme of the income tax proposed by the right hon. Gentleman. The right hon. Gentleman will not sanction any change in the rate of assessment of the different schedules. Now remember that the argument with which the right hon. Gentleman vindicated his policy, which he says is his great principle, and to which the Government is devoted, proceeded upon the assumption that real property was actually assessed 2*d.* in the pound more than the other schedules. And the right hon. Gentleman, after having established that point—a point which was not one of novelty, although probably it may never have been placed before this House in so popular and convincing a form—after having established this point, the right hon. Gentleman, with strange inconsistency, immediately proceeded to place a new tax of considerable amount upon the already unfairly taxed real property. That is the position of the right hon. Gentleman. I do not say that the whole of the 2,000,000*l.*—the estimated amount of the new tax—will be raised from the land. I never said so; but I maintain that the Chancellor of the Exchequer proposes to place a new tax of 2,000,000*l.* mainly upon real property, which he declares to be already taxed, beyond its fair proportion. That is all I ever said. Well then, I maintain that the course taken by the right hon. Gentleman is marked by great inconsistency. It is inconsistent, I say, to prove that real property is at present unfairly taxed, and immediately to propose that it should be subjected to a new tax. Is this all? I must beg leave to call attention to an important consideration which has not been adverted to in the course of these debates. The Chancellor of the Exchequer's argument was this: To induce you to adopt the policy of the Government, you have my personal promise and a fair political prospect that the income tax will terminate at the end of seven years from this time. Unquestionably there may be different opinions on this point, and some Gentlemen below the gangway may be incredulous on the subject; but the basis of the argument in support of the Budget is the Chancellor of the Exchequer's position, that the income tax is likely to terminate at the end of seven years. Then what does the right hon. Gentleman do? Having established that real property is taxed inequitably, he says, with another inconsistency, "As you have a weakness in favour of precarious incomes, although I have proved to you that real property pays more than incomes derived from any other sources, yet I will propose a succession tax which will make the owners of real property contribute to the State, independent and irrespective of those who enjoy precarious incomes; and this shall be a tax by way of compensation to precarious incomes for the similarity of assessment under the income tax." But if so, it ought only to be a tax for seven years. If the tax is to be a tax by way of compensation, it will be unjust unless you provide that it shall end with the income tax at the termination of seven years. The ground upon which the right hon. Gentleman is convinced that he ought to impose his tax upon successions, namely, that a compensation is needed for those who pay the tax upon precarious incomes, ought to induce him, according to his own argument, to propose that this tax upon successions shall be equally limited in its duration with the income tax itself. I will presently show that the Motion of to-night is the natural consequence of the policy of the Government. So I think also that the natural consequence of the argument of the right hon. Gentleman on this head will be, that when we have to consider the tax upon successions, it will be necessary to move that that tax shall continue only for seven years. That will be another subject for discussion in this Committee at a future period. I come now to the vote of Monday night. The right hon. Gentleman says, this debate must not close without his obtaining a distinct knowledge of the meaning of that vote. I confess that, in deference to the feelings of the great body of the right hon. Gentleman's supporters, I should have wished to have avoided the topic. I think there was something unnecessarily cruel in the way in which the right hon. Gentleman alluded to that subject. I should have thought the right hon. Gentleman might have spared the feelings of those by whose assistance he gained the triumph of Monday night, and who, I doubt not, wish to look back to their vote on that occasion with a satisfaction which, however, I scarcely think awaits them, instead of compelling them to hear a public declaration of the meaning of the vote of Monday. Our object in the vote of Monday night was, to assert on this side of the House the principles we endeavoured to establish when we sat on the other. This was frankly and unequivocally announced by the hon. Baronet the Member for Hertfordshire (Sir B. Lytton). In that attempt we were defeated. The Chancellor of the Exchequer says, that the Motion was supported by those against whose interests it was directed. Well, that is a proof that there are some persons in this House who can sacrifice their interests to their principles. But, says the right hon. Gentleman, how can you reconcile the vote of Monday night, with the present Motion? Why, the very fact of your having negatived the vote of Monday night, and declared that we should not establish our principle, not only excuses us, but imposes on us the necessity of considering your measures. We have now to consider your measure on its merits. ["Oh, oh!"] I can easily understand that this course is distasteful to hon. Members opposite, and especially to those, who, having always advocated a difference in the schedules, formed part of a majority in favour of a vote which, though it will not vindicate their conduct, may establish a Government. But let me ask, is there anything unfair, anomalous, or unjustifiable in the course which my hon. Friend the hon. Member for Berkshire recommends? We advocated a policy which you rejected; surely, then, we are entitled to try your policy on its merits. [*Laughter.*] Perhaps the hon. Member who laughs so loud will favour us with a speech, and tell us the reason of his mirth: if so, I doubt not it will be a happy effusion. According to the Chancellor of the Exchequer, there is something startling and dangerous in my hon. Friend the Member for Berkshire's proposal. In tones of horror the Chancellor of the Exchequer exclaimed, "The hon. Member invites as to tamper with the income tax; do you imagine the tampering will stop with Schedule A?" I know many persons who have invited us to tamper with the income tax without wishing to stop at Schedule A, and they have maintained that their proposition rested upon arguments which it was impossible to refute. I never will quote —I say so with the utmost sincerity— any speech made in this House by way of taunt; I will never refer to *Hansard* with the view of annoying any hon. Gentleman. [*Ironical cheers.*] No; that period has passed. Although *Hansard* is before me, it is there only that it may be referred to in the event of the opinions I am about to allude to being doubted. I am not about to quote a speech made fifteen, ten, or five years ago, but one made, as it were, yesterday. When I last brought forward a Motion on the subject of local taxation—a

Motion which has been referred to in debate as having destroyed the Government of the noble Lord the Member for the City of London, although I was perfectly unconscious of having performed such a feat, and thought it had been achieved by the noble Lord (Viscount Palmerston) on the militia question — a Member of the present Government—I will not say the most distinguished Member, for that would be invidious, but I may say the most distinguished country Gentleman belonging to the Government—expressed great alarm at my proposal. He said it was dangerous, and would disturb the finances of the country, although the present Chancellor of the Exchequer entirely concurred in it. I confess that the right hon. Baronet the First Lord of the Admiralty (Sir J. Graham), for it is he to whom I allude, made a most powerful speech against me on that occasion. The right hon. Baronet said, that the land was distressed, he could not deny; but the measures I proposed for its relief were pregnant with danger, and he saw revolution in the distance. The right hon. Baronet said —"But there are moderate means by which you might attain the object for which you have so long laboured—means which will enlist the sympathy and support of Parliament and the country in their favour. You have an opportunity of showing how unjustly the proprietors of land are taxed under Schedule A. Call the attention of the House to the expenses they are subjected to for repairs, management, and insurances. Then you will have a case which no Government can resist; and you can demand that the owners of land shall be assessed on their net, and not on their gross income." This was said but yesterday, as it were. I think I see the right hon. Baronet pouring forth his glowing eloquence from the Opposition bench, which he has made classical, and I well remember that he carried the whole House with him. Now, however, the Government of which he is a Member abjure the great principle which he advocated, and refuse to to do justice to the land. The right hon. Baronet told me it would be impossible to resist a proposal to remedy the injustice to which the landed property was subjected under Schedule A; but now the Government of which he is a Member resists the irresistible proposition. But the right hon. Baronet said—"You must go further; you must not stop with doing justice to the landowner. You must go to Schedule B, and do justice to the farmer. He is assessed upon a scale which is unjust. His profits are taken at too high a rate; and you must take care that the scale on which he is assessed is adapted to the times in which he lives, and the rate of profit which he obtains." Why, really, Sir, when I recollect all this—when I see the right hon. Gentleman, the greatest ornament and support and bulwark of the Treasury bench—when I remember that all this was said only yesterday, and, I have no doubt, conscientiously believed by the right hon. Gentleman; and then, when I find the Chancellor of the Exchequer getting up and saying that he is the organ of a Government which, on this point, is united and devoted to the policy which he recommends, I confess I am somewhat incredulous; and I believe there are yet some arguments upon the subject, and some appeals even to individuals, that may not be wholly without influence. The tone which the right hon. Gentleman takes is rather curious. Everything is to be carried, because there is a united Government. Well, Sir, the Government may be united in their hostility to the land. The Government may be united in their determination not to do that justice to the proprietor of the soil, which the First Lord of the Admiralty says cannot be resisted. The Government may be united in their determination not to do justice to the farmer by the mode which the First Lord of the Admiralty says is highly politic and irresistible; but I should think it is the only subject on which they are united; and probably before long we shall have to consider subjects of general interest—I am not sure whether to-morrow may not bring one—which may enable us to judge whether this union upon the question of the land, on the whole so complete and admirable, applies to other subjects; and whether it is only when the interests of those connected with the soil are concerned, that the Government show an impenetrable front, and are animated by a unanimous feeling. It is impossible to evade the justice of this case by splitting hairs, like the Chancellor of the Exchequer has done. Depend upon it, the yeoman who is called upon to pay his tax, or the farmer who has to pay his tax, will not enter into a discussion as to a vote on Monday or on Friday; but they will ask, what is the justice of the case? When the Chancellor of the Exchequer asks me to explain why we who voted on Monday can support the Motion of to-night, though I can give with a clear conscience

—and though I have given with a clear conscience—what I believe to be a satisfactory answer to that question, I say there is something else to be answered before a reply is given to such a question. I want to know how influential Members of the Government can now resist a proposition which they not long ago declared could not be resisted, but which it would be wise to bring forward? The country, which is interested in these questions, will require from the Government a distinct explanation how these variations of opinion can possibly be vindicated; and they will ask this—Can any one bring forward a valid reason why we should be assessed unjustly under the income tax? If you could say, as we said, "We acknowledge that we cannot attempt a just assessment; we offer you a plan for the income tax, in which we have made differences and gradations, avowedly not in your favour, but as the foundation of a policy intended to obtain you general justice,"—you would at least be in an intelligible position. We have placed before our constituents and friends the motives on which our policy was founded. Right or wrong, they are satisfied with those motives, and they will support that policy; but no taunt shall prevent us from doing our duty to the farmers and the proprietors of the soil to-night. We found our claim upon the arguments of the Chancellor of the Exchequer, and upon the recommendations of the First Lord of the Admiralty.

LORD JOHN RUSSELL: I think, Sir, it requires no splitting of hairs in order to understand the purport of this question, and the difference between the position now taken by the right hon. Gentleman (Mr. Disraeli) and that which he took not only last December, but no longer ago than Monday last. The principle which the right hon. Gentleman stated with respect to the property and income tax in December last, when the Budget was brought forward, was this:—"I have to state another principle which Her Majesty's Government are prepared to assert, and that is, to acknowledge a difference between permanent and precarious incomes." The right hon. Gentleman further declared, after laying down his first principle with reference to direct taxation, "secondly, that a difference should be recognised by the Legislature between realised and precarious incomes." That was a very intelligible principle—the principle that they would endeavour, at least, to discover what income should be considered precarious, and what should be considered permanent; and no man can doubt that among the permanent incomes were to be land and houses, and among the precarious incomes trades and professions, and that an advantage was to be given to the trades and professions over the lands and houses which were contained in Schedule A. But now the right hon. Gentleman (Mr. Disraeli) comes forward as the advocate of a totally different principle—and that principle is, that permanent incomes shall have their burdens lightened, and that precarious incomes shall not have their burdens lightened in any way. If the hon. Member for Berkshire (Mr. Palmer) means to comprehend trades and professions in his proposal, why does he not so shape his Motion as to comprehend an allowance for repairs, and at the same time to include trades and professions? The right hon. Gentleman (Mr. Disraeli) accounts for being now the advocate of a totally different principle from that which he maintained last Monday, by saying that the House decided against him upon that question, and therefore he had taken a totally different course. The case is precisely this:—Last Monday the right hon. Gentleman said the stick was bent in one direction. The House refused to assent to the course which the right hon. Gentleman and his friends then proposed; and now they say the stick is bent in an opposite direction, and they propose a totally opposite course. Last Monday they said there was too great a weight in one scale, and they proposed to lighten it; but, because the House refused to accede to the proposal, they now say the opposite scale has become too heavy, and they propose that it should be lightened. Why, what is this conduct on the part of the right hon. Gentleman and those who follow him, but treating the great question of the income tax—a question which is now, and has been for the last ten years, so intimately connected with our whole financial system—as a plaything with which they may tamper, and which may be used for party purposes without any regard to the permanence of our finance or to the settlement of the question? The right hon. Gentleman said, "Oh, but last December we proposed a reduction of the malt tax." Yes, the right hon. Gentleman did propose a reduction of the malt tax, but he did so on the ground that it would be for the benefit of the consumer. The right hon.

Gentleman having failed in that proposal, which, as I consider, was very dangerous to the finances of the country, and would have deprived us of 2,000,000*l.* which are easily collected and easily obtained without any very great pressure upon the people, now comes forward and says, "We must break in upon the system of the income tax." Now, who can doubt that my right hon. Friend the Chancellor of the Exchequer was perfectly justified in saying that if you make this change in Schedule A—if you make a change in the income tax which has never been made before—which was not made between 1798 and 1816, or or between 1842 and the present year—you will have to go on to the other schedules, in which you cannot make merely the same reduction, but that you will have to consider the question of precarious incomes, and also that which I always look upon as the greatest inequality of all—namely, that with regard to professions. The right hon. Gentleman (Mr. Disraeli) says, "Oh, but I wonder how the supporters of the Government can agree to this income tax of 7*d.* in each of the schedules, when so many of them have complained of its hardship. Now, I think those Gentlemen have given perfectly intelligible reasons for the votes they have recorded. They have said that they see so much advantage in the Budget, upon the whole, that so much indirect taxation is taken off, that there is so much justice in the proposed tax upon successions, and that they see such progress made towards confirming and extending the policy of free trade, that they are willing to forego one of the advantages which they looked for in a financial system, and, like men of sense and straightforward conduct, they will support a Budget which they approve upon the whole, although it does not contain every proposition they could wish. Well, Sir, this appears to me to be a course of conduct which is not unusually pursued in this House by men who have at heart the public interest. On the other hand, what have we to expect from the conduct of the right hon. Gentleman opposite? Only last December he was the advocate of a distinction in the income tax in favour of trades and professions. He now comes forward aggravating the inequality which at present exists with regard to trades and professions by proposing to make a new inequality as regards the land. That is the position of the right hon. Gentleman. It must show, I think, to the House, and it will show to the country, that those great and mighty interests of finance—interests upon which the safety and well-being of the country depend—are treated by the right hon. Gentleman, if not merely in a manner to suit his party interests, at least with such levity and caprice—that he so changes from week to week the principle upon which his policy is founded—that it would be impossible for this House or this country to rely upon any financial plans of which the right hon. Gentleman may be the originator. Last week he told us trades and professions deserved all our compassion; this week it is the land which is to be the sole object of our regard. Well, I would ask—using a somewhat vulgar expression, which has, however, been ennobled by the high authority by which it was once adopted—"Under which thimble is the pea?" Last week it was one interest; this week it is another; and no one is able to say what the proposal of the next week may be. I trust, Sir, that this House will feel, as the country has felt, that this measure is, upon the whole, a great measure, likely to be a benefit to the country at large; and that if it imposes sacrifices upon various classes, the great body of the consumers of this country—the great body of the people—will find their taxes lessened, and themselves in the possession of greater enjoyments and greater comforts. I trust, then, the House will not adopt the wavering and uncertain line which is now proposed to them by hon. Gentlemen opposite, but that they will adhere to the scheme of my right hon. Friend the Chancellor of the Exchequer; and I feel confident that, if they do so, the country and the people at large will approve and admire their determination.

Lord JOHN MANNERS: So enamoured is the noble Lord (Lord J. Russell) with the height of financial injustice, that he cannot even comprehend how hon. Gentlemen should be anxious to render an income tax more consonant with justice on one Monday night in one respect, because on another Monday night they attempted to render it more consonant with justice in another respect. The noble Lord asks us to inform the country how it is that in one week we could invite the House of Commons to rectify some of the injustice of the income tax, which presses upon trades and professions, and how, in another, we can ask it to do something like justice to the landed interest of this country. Why, Sir, I say for myself that it is because I was most anxious and ready to afford all the relief which equity and justice can demand for trades and professions in one week, that I now feel perfectly justified in endeavouring to render justice to the land on this occasion. I cannot conceive or comprehend how the noble Lord thinks he can answer the claim of justice which has been put forward by my hon. Friend the Member for Berkshire (Mr. Palmer), by saying that he himself and the Government, and hon. Gentlemen who voted with them last Monday, managed to defeat the claim of justice which we put forward for trades and professions. The noble Lord would visit upon us the wrong which he himself was the party to perpetrate, and would charge us with betraying the principles and the cause which we advocated on Monday, because, believing that there is an equally just and equitable claim on our side, we call upon him to carry into practice the declarations of his own Chancellor of the Exchequer. Why, Sir, the Chancellor of the Exchequer, using the argument so often wielded with more or less of success in this House, and pointing out how difficult it frequently is to do justice in this world, asked my hon. Friend the Member for Berkshire whether it would be possible to do this justice to Schedule A, without going through all the other schedules and doing justice to them? Why, the right hon. Gentleman answered that question himself when he introduced his Budget. It was he who showed that the justice which my hon. Friend now asks you to do to Schedule A, was already done in the case of all the other schedules. And it was my hon. Friend the Member for Berkshire who took even a more moderate view than the right hon. Gentleman himself did, and told you that he did not think the right. hon. Gentleman's view was quite consistent with the facts of the case. But, be that as it may, it is upon the admissions of the right hon. Gentleman himself that this Amendment is now proposed. We have it admitted by every Gentleman who has spoken in the course of this debate, that abstractedly the proposition of my hon. Friend is just and equitable; and I leave it with confidence to the Committee and the country whether the arguments of the noble Lord ought to be permitted to prevail against the admission of justice which we have had from every hon. Gentleman who has spoken in the course of the debate.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 201; Noes 276: Majority 75.

List of the AYES.

Adderley, C. B.
Alexander, J.
Annesley, Earl of
Anson, Visct.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Bagge, W.
Bailey, Sir J.
Bailey, C.
Baird, J.
Ball, E.
Barrington, Visct.
Bateson, T.
Bellew, Capt.
Bentinck, Lord H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Blair, Col.
Booth, Sir R. G.
Bowyer, G.
Brisco, M.
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Bunbury, W. B. M.
Burghley, Lord
Butt, G. M.
Butt, I.
Carnac, Sir J. R.
Chandos, Marq. of
Chelsea, Visct.
Cholmondeley, Lord H.
Christopher, rt. hn. R. A.
Clinton, Lord C. P.
Clive, hon. R. H.
Clive, R.
Cobbold, J. C.
Codrington, Sir W.
Coles, H. B.
Colville, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Davies, D. A. S.
Davison, R.
Dering, Sir E.
Disraeli, rt. hon. B.
Dod, J. W.
Drax, J. S. W. S. E.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Dunne, Col.
East, Sir J. B.
Egerton, Sir P.
Emley, Visct.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Forbes, W.
Forester, rt. hon. Col.
French, F.
Freshfield, J. W.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
George, J.
Gooch, Sir E. S.
Gordon, Adm.
Gore, W. O.
Granby, Marq. of
Greaves, E.
Greene, J.
Grogan, E.
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, Lord C.
Hamilton, G. A.
Hamilton, J. H.
Hanbury, hon. C. S. B.
Heathcote, Sir G. J.
Heathcote, G. H.
Henchy, D. O.
Hildyard, R. C.
Hotham, Lord
Hudson, G.
Hume, W. F.
Irton, S.
Jolliffe, Sir W. G. H.
Jones, Capt.
Jones, D.
Kelly, Sir F.
Kendall, N.
Kennedy, T.
Ker, D. S.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knightley, R.
Knox, Col.
Knox, hon. W. S.
Lacon, Sir E.
Laffan, R. M.
Langton, W. G.
Lascelles, hon. E.
Lennox, Lord A. F.
Lennox, Lord H. G.
Leslie, C. P.
Lewisham, Visct.
Liddell, H. G.
Long, W.
Lovaine, Lord
Lowther, hon. Col.
Lowther, Capt.
Lucas, F.
Macartney, G.
Magan, W. H.
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March, Earl of
Maxwell, hon. J. P.
Meux, Sir H.
Miles, W.
Michell, W.
Montgomery, H. L.
Montgomery, Sir G.
Moody, C. A.
Moore, G. H.
Moore, R. S.
Morgan, O.
Morgan, C. R.

Mullings, J. R.
Mundy, W.
Naas, Lord
Napier, rt. hon. J.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Ossulston, Lord
Pakenham, E.
Pakington, rt. hn. Sir J.
Palmer, R.
Parker, R. T.
Percy, hon. J. W.
Portal, M.
Potter, R.
Prime, R.
Repton, G. W. J.
Scott, hon. F.
Seaham, Visct.
Seymer, H. K.
Sibthorp, Col.
Smijth, Sir W.
Smith, W. M.
Smyth, R. J.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanhope, J. B.
Stanley, Lord
Stuart, H.
Sturt, H. G.
Sullivan, M.
Swift, R.
Talbot, C. R. M.
Thesiger, Sir F.
Tollemache, J.
Tomline, G.
Trollope, rt. hon. Sir J.
Tudway, R. C.
Tyler, Sir G.
Tyrell, Sir J. T.
Vance, J.
Vane, Lord A.
Vansittart, G. H.
Verner, Sir W.
Villiers, hon. F.
Vivian, J. E.
Vyse, Capt. H.
Waddington, H. S.
Walcott, Adm.
Walpole, rt. hon. S. H.
Welby, Sir G. E.
Whiteside, J.
Whitmore, H.
Williams, T. P.
Wodehouse, E.
Woodd, B. T.
Worcester, Marq. of
Wyndham, Gen.
Wynn, H. W. W.
Wynn, Sir W. W.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.

Taylor, Col.
Mandeville, Visct.

MR. DISRAELI said, he would now suggest to the right hon. Chancellor of the Exchequer the propriety of the Chairman reporting progress, on the ground that they could not at that hour (half-past twelve) fairly discuss the Amendment of his hon. Friend the Member for Berkshire (Mr. Vansittart) to leave out the word "moiety" and insert "third part" in the second Resolution on the income tax.

LORD JOHN RUSSELL said, he thought it could not take very long to discuss an Amendment of that nature. He certainly hoped the Resolution would be taken that night—that any further Amendments would be postponed—and that they might proceed with the legacy duties, in order that there might be no undue suspense with regard to the tea and other duties.

MR. DISRAELI said, the Amendment of his hon. Friend the Member for Berkshire (Mr. Vansittart) was really one of very great interest; it affected the farmers very greatly; and he did not think they could have a fair discussion at that hour of the question, which involved accounts and matters of great detail.

LORD JOHN RUSSELL said, that certainly was a very late hour to go into the discussion of such a question, but he thought, nevertheless, that the interests of the country demanded that there should be no unnecessary delay in proceeding with the discussion of the various subjects involved in the financial scheme of the Chancellor of the Exchequer.

MR. DISRAELI said, this was a question which had never before been properly discussed in that House, and he, therefore, must press on the noble Lord the propriety of reporting progress.

MR. VANSITTART said, he could not consent to go on with his Amendment tonight for the convenience of the noble Lord opposite.

The CHANCELLOR OF THE EXCHEQUER said, it was not a question of convenience to any noble Lord; it was a question in which the trade of the country was deeply concerned. He begged to assure the hon. Member he could have no conception of the amount of inconvenience to which the whole of the mercantile community were daily put by these protracted discussions, or even of the serious amount of loss to which they were exposed. He had heard a statement of the amount of entries at the Custom-house for applications for a change of duties, which he was almost afraid to repeat. He would undertake to say that the answer of the Government, whether the Amendment of the hon. Member was good or bad, would be contained in one sentence—namely, if the farmer did not like the rate at which he was assessed under Schedule B, he had by law the right of going into Schedule D. That was the whole and entire case of the Government. He repeated that this was not a question of the convenience of Government, but of the suspension of the trade of the country.

MR. DISRAELI said, he wished to inquire whether the right hon. Gentleman would in that case object to leave out the schedule altogether? The matter was not so small as the right hon. Gentleman seemed to think, and there certainly must be some limit to his general argument, because he would not assent, because the Government had an answer to make to the proposition, that, therefore, they should accept the view of Government.

SIR CHARLES WOOD said, he conceived it would equally answer the purpose of the hon. Gentleman who proposed the Amendment to discuss it in the Committee. When he was in office, and a proposal was made to enable the farmer to appeal, if he felt aggrieved, under the Bill, he acceded to that request, and that really met the case in the end.

Mr. DISRAELI said, if the noble Lord (Lord J. Russell) persisted, he should be under the disagreeable necessity of moving that the Chairman report progress. If he stood alone, he must do so. They had been the whole night discussing a schedule which interested landowners. Now, here was a question which interested farmers very much. Would it not be said, very properly and with justice, "You can pass a whole evening discussing questions which affect yourselves, but when there is one that affects us, you pass it in a hasty and shuffling manner, without discussion?" If he stood alone, he should move that the Chairman report progress.

Lord JOHN RUSSELL said, it would be a quite sufficient answer to the argument of the right hon. Gentleman, that the debate was reserved for the Committee on the Bill; because, if the Committee decided as the hon. Gentleman wished, of course his Amendment would be adopted just as if it were agreed to now. With regard to reporting progress, he felt that the responsibility of delaying the trade of the country for a purpose quite unnecessary was so great, that he refused to take it upon himself. If the Committee decided upon reporting progress, the responsibility must rest with them.

Colonel SIBTHORP said, to see his right hon. relative, who was once Chancellor of the Exchequer (Sir C. Wood) coming to the rescue of the present Chancellor, was like one political sinner attempting to defend another. The present Chancellor of the Exchequer said that delay would cause great inconvenience to the trade of the country; but if the Government were bringing in bad measures, it was not the fault of hon. Members on his (Colonel Sibthorp's) side of the House. He stood up there as the guardian of the public interest. Because delay would be attended with great inconvenience to the trade of the country, the House was called upon by the Chancellor of the Exchequer to inflict an injury on a large and respectable body of Her Majesty's subjects. Such a course was exceedingly unbecoming a Chancellor of the Exchequer; and then, forsooth, that he should have been supported in that course by the noble Lord the Member for the City of London. *Par nobile fratrum*, indeed. It was really too bad. He hoped hon. Members on his side of the House would remain there until five o'clock in the morning rather than allow the Government to bully the House because they had got a majority, which was not very creditable to them.

Mr. BRIGHT said, it was quite clear that the income tax in its main features was perfectly safe; and he thought the proposition that was about to be made by the hon. Gentleman opposite (Mr. Vansittart) would be less dangerous than any that was likely to come from that side of the House. The right hon. Gentleman (Mr. Disraeli) said he had never had an opportunity of defending the proposal involved in the Amendment of the hon. Gentleman (Mr. Vansittart)—a circumstance which he (Mr. Bright) thought fortunate for the right hon. Gentleman. He congratulated him upon the near prospect of such an opportunity being presented to him. He (Mr. Bright) thought the proposition to report progress was an exceedingly reasonable one at that time of night.

The House resumed. Committee report progress.

BOROUGH OF TYNEMOUTH.

Sir BENJAMIN HALL said, he would now beg to move that an Address be presented to Her Majesty, praying for the issue of a Commission to inquire into the corrupt practices which took place at the late election for the borough of Tynemouth; Commissioners' names that he proposed were, Henry Davison, esq., James Vaughan, esq., and John Hurrell, esq. In making this Motion he was but performing a ministerial act, and obeying the wishes of the Committee, who were unanimous on the subject. The House would probably be of opinion that under these circumstances the decision of the Committee was worthy of some attention. After evidence had been heard for two days, and after agency had been proved, the sitting Member immediately withdrew, and thus it was impossible for the Committee to go into all the cases at first submitted to it. One man was proved to have been bribed by a refreshment ticket, and it was also proved that these tickets were issued by both the candidates. The Committee unanimously decided that there was reason to believe that corrupt practices extensively prevailed at the last election for Tynemouth, and that not only extensive treating but extensive bribery had also taken place.

Mr. MOFFATT said, he had given notice

of his intention to oppose the suspension of the writ for the borough of Tynemouth, because at the time he gave that notice he had not arrived at the same conclusion as the Committee. If, however, it was the desire of the House to support the recommendations of the Committee, he should offer no opposition.

Motion *agreed to.*

Resolved—

"That an humble Address be presented to Her Majesty, which was read."

Resolved—

"That the same Address be communicated to The Lords, at a Conference, and their concurrence desired thereto."

Ordered—

"That a Conference be desired with The Lords upon the subject matter of an Address to be presented to Her Majesty under the provisions of the Act of the 15 & 16 of Her present Majesty, c. 57; and that Sir Benjamin Hall do go to The Lords and desire the said Conference."

Ordered—

"That no new Writ be issued for the Borough of Tynemouth before the 2nd day of June next."

BERWICK-UPON-TWEED ELECTION.

MR. MITCHELL said, he would now move for a Select Committee to inquire into the circumstances attending the prosecution of the petition against the last return for the borough of Berwick-upon-Tweed. In doing so he wished to refer to a speech delivered by the late Attorney General (Sir F. Thesiger) on a recent occasion, for the purpose of correcting certain statements which the hon. and learned Gentleman had made, no doubt upon the information of others. At the late election Mr. Forster defeated Mr. Hodgson by a majority of 412 to 210. A short time after the election, Mr. Hodgson met Mr. Forster in the lobby of the House of Commons, and being about to present, or having just presented, a petition against him, said, "I have got a very clear case against you and your Colleague, and I should be very glad if the matter could be settled." Mr. Forster having referred Mr. Hodgson to his son, he had an interview with that gentleman. The late Attorney General said that Mr. Hodgson at this interview said that what he was then about to say must be considered as being in confidence. Now he (Mr. Mitchell) was not prepared to deny that Mr. Hodgson made use of such an expression; but he was prepared to deny that Mr. Forster, jun., assented to Mr. Hodgson's statement being made in confidence. Mr. Hodgson then said that there was no chance of the election standing, and that he proposed that Mr. Forster's Colleague should retire, and that he (Mr. Hodgson) should come in in his place. Mr. Forster, jun., laughed at such a proposal, and said, "How am I to carry it out?" Mr. Hodgson said, "If Mr. Stapleton (the other Member) retires, and I am not returned in his place, you enter into a bond to pay me a certain sum." Mr. Forster, jun., replied that such a proceeding would, he believed, come under the operation of a penal Act of Parliament; on which Mr. Hodgson said, "Then you make a bet with me, which I win if I do not come in." Mr. Forster, jun., repudiated the proposal altogether, and so the matter rested for two or three months. Shortly before the petition came on for trial, but before any of the witnesses had been brought to London, or any of the legitimate expenses for its support had been incurred, Mr. Hodgson Hinde, a brother of Mr. Hodgson's, made a fresh proposal to Mr. Forster for a compromise of the petition against him. That proposal was made through another gentleman, who was a Conservative Member of that House, whose name he would not then mention, though he was ready to mention it privately to any hon. Member. In consequence of Mr. Hodgson Hinde having stated to the electors of Berwick that he had not sought to effect a compromise, but that the proposal for that purpose came from Mr. Forster, and through this gentleman, the latter had addressed to Mr. Forster a letter, in which he said—

"I have no hesitation in saying that Mr. Hodgson Hinde asked me to call upon you to negotiate the withdrawal of the Berwick petition, so far as you were concerned, on consideration of your paying the costs of the proceedings against the other Member, not to exceed 2,000*l.* Mr. Hodgson also expected that you should not offer any opposition to his brother's return, to which you agreed, but you repudiated in the strongest terms any compromise in the shape of money."

No doubt this gentleman would be produced before the Committee, if one was agreed to. Here was a gentleman who admitted he had made proposals to withdraw a petition against a Member of that House for 2,000*l.*, and who had proposed that this 2,000*l.* should be applied against the other sitting Member on the same side. Taking simply the Parliamentary ground, and not inquiring how far this conduct was decent or gentlemanly, he thought the matter was one to be investigated by the House. If this system were allowed, of individuals presenting petitions against Members with the deliberate intention of afterwards selling those petitions, there would in future be no borough in which some person would not present such a petition at every election. That, it appeared to him, was good ground for a Committee, which should first of all inquire whether Mr. Hodgson Hinde did make proposal to sell this petition for 2,000*l.*, and should then suggest means by which such attempts might be put a stop to for the future. He had to move for this Committee; but, before he concluded, must be allowed to state that Mr. Forster utterly and entirely repudiated the offers made to him.

Motion *agreed to.*

Select Committee *appointed,* "to inquire into the circumstances attending the prosecution of the Petition against the last Return for the Borough of Berwick-upon-Tweed."

The House adjourned at Two o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CXXVI.

FOURTH VOLUME OF SESSION 1852–1853.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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ERRATUM.

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Woodfall and Kinder, Printers, Angel Court, Skinner Street, London.

K 28 MAR 1973